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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

July 9, 2004.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Father of Eternal Light, how shall we be measured in Your sight?

In a culture of achievement, we can carry over competitive attitudes to our relationship with You, O Lord, and to those we love or serve. But once we realize there is nothing we can do to make You love us more than You already do, we can be set free to simply love as You love, unconditionally, and serve others with abandonment. To give of ourselves in love and service is enough.

In a culture of success, the worst thing that can seem to happen is to fail, when all You ask of us, O Lord, is to do what is right, speak what is true, and give of ourselves in service of others without counting the cost.

Then the full measurement of ourselves will be not to impress others but to love others as You love and bring Your love to all we do in Your Holy Name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. McNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 218. An act to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2634. An act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes.

The message also announced that pursuant to section 710, 2(A)(ii) of Public Law 105-277, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Parents Advisory Council on Youth Drug Abuse:

Laurens Tullock of Tennessee

The message also announced that pursuant to Public Law 105-18, the Chair, on behalf of the Democratic Leader announces the appointment, made during the adjournment, of the following individual, to serve as a member of the National Commission on the Cost of Higher Education.

Clara M. Cotton of Massachusetts.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will receive 5 one-minute speeches on each side.

RECOGNIZING T.J. PATTERSON

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, I rise today in recognition of a good friend, T.J. Patterson, who this week ended 20 years of service on Lubbock's City Council. T.J. served on 10 city councils and under five different mayors.

I had the pleasure of serving with councilman T.J. Patterson, and what I

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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learned in my 6 years in serving with T.J. is what most folks in Lubbock know, that he is a strong community leader and a tireless fighter for the values of the people he serves.

T.J. is a man of many firsts. After serving his country in Vietnam, T.J. became the first African American elected to the Lubbock City Council. He was also the first African American elected to be president of the Texas Municipal League. He founded the Texas Association of Black City Council Members and also the publication Southwest Digest.

During his 20 years of service, T.J. Patterson fought so hard for the things that matter to the citizens of Lubbock and Lubbock families: educating our kids and protecting Lubbock's youth from gangs and drugs.

The people in Lubbock and myself are grateful for T.J. Patterson's tireless service to his community.

200TH ANNIVERSARY OF THE DEATH OF ALEXANDER HAMILTON

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to call attention to the 200th anniversary of the death of Alexander Hamilton, one of the Founding Fathers of the United States of America. Although everyone recognizes that he was a great American, it is not widely known that he was from St. Croix, my home.

Alexander Hamilton relocated to St. Croix from Nevis at the age of 9. There he developed the exceptional accounting, finance, and writing skills which later propelled his career. Many of Hamilton's later values and ideals were shaped by his experiences in St. Croix. A prime example was his opposition to slavery.

Best known as the first Secretary of the Treasury, Hamilton was a military man and a true statesman and public servant. Today in St. Croix where we walk where he lived and worked, we are celebrating his life. We celebrate too our invaluable contribution to the birth of this Nation and its early formative years.

On this anniversary of Hamilton's unfortunate death, let us remember him for his outstanding public service, his dedication to his country, and his contributions to our great history. However, when reflecting on his illustrious career, let us not forget that he is also a true Virgin Island son.

WE CONTINUE TO OVERSPEND

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, first I feel somewhat obligated to explain that my wife was not in town this week and I had to pick out my own tie.

As we approach more decisions on appropriations, this is the chart that I used on my Social Security presentation. I want to focus on the fact that 14 percent of total Federal spending is interest on the debt. That now amounts to about \$300 billion a year. So let us be conscious of the fact of how much we are spending and overspending.

This year we are going to spend about \$500 billion more than we are taking in. That is going to add to the debt. Interest rates are going up. We are putting a huge burden on our kids and our grandkids and future generations as this body and the Senate and the White House continue to overspend. Let us be frugal; let us realize that the imposition on our kids and grandkids is not fair and jeopardizes their future.

THEY STOLE THE VOTE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the Congress voted to restore civil liberties yesterday, and then the Republican Party stole the election. Again.

In America, you get to vote once, but not in a Republican America. In Republican America, they vote again and again and again and again until the Republicans get the preordained outcome the administration decrees. That is what happened yesterday in this Chamber.

The House has gotten to the point where the U.N. will have to send election monitors to ensure the votes are not rigged in the elections on November 2.

The vote was rigged yesterday. Today, they can spy on your private lives. Today, they can see what you read, what you watch, and play with your mind about what you are thinking. Today, they say America is safer because everybody is afraid. America is only more vulnerable and less free.

Yesterday's vote was not about anything but controlling the American people's freedom to read and dissent. This administration wants to end dissent. They want no one to say anything about anything they do whether it is in a prison at Abu Ghraib or giving contracts to Halliburton or anything. That is what yesterday was about.

RESEARCH AND DEVELOPMENT FUNDING IS PRICELESS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, the cost of basic and applied research is priceless. Most Federal Government R&D is by the military with a current goal for basic research of 3 percent of the DOD budget.

The National Science Foundation supports nearly 50 percent of the non-

medical basic research at our colleges and universities, including the University of Maryland, which comprises only 4 percent of Federal R&D spending.

Federal Government military R&D spending peaked in 1962 and declined beginning in 1965 until President Reagan's first term, during which R&D rose and surpassed 1962 levels and peaked in 1987. It then declined in 1993.

Beginning in fiscal year 1996, bipartisan support in the Congress supported increases in R&D above administration requests. Beginning in 2000 the downward trend was reversed. President Bush's increases have been increased further with bipartisan support.

The United States spends a smaller percentage of our GDP on R&D than any other major industrial power. That is the exact equivalent of a farmer eating his seed corn. Tomorrow's innovations come from today's R&D. America will remain the world's premiere military and economic leader only if we increase our spending on R&D.

REPUBLICAN HOUSE LEADERSHIP CONTINUES TO ABUSE ITS POWER

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, yesterday we saw another example of how the Republican House leadership continues to abuse its power. The gentleman from Vermont (Mr. SANDERS) offered an amendment to an appropriations bill that would have blocked a controversial provision in the PATRIOT Act.

At the end of the 15 minutes of voting time, the Sanders amendment looked well on its way to victory with 20 Republicans voting with the majority of the Democrats. But the Republican leadership would not give the gentleman from Vermont (Mr. SANDERS) a victory and refused to gavel the vote. Despite the fact that no more Members were still waiting to vote, the Republican leadership left the vote open an additional 20 minutes. What were they doing during these 20 minutes? They were exerting intense strong-arm pressure on their own Republican colleagues who had the audacity to vote against the leadership.

The Republican leadership finally threatened enough Republicans to defeat the amendment. Yesterday's outrageous action was just another example of the Republican leadership's win-at-all-costs approach at running this House.

The gentleman from Vermont (Mr. SANDERS) played by the rules yesterday. Unfortunately, the Republican leadership long ago threw the rules out the window in this House. I conclude with the words chanted by many of my Democratic colleagues during the 20 minute delay: shame, shame on the Republican leadership.

MIAMI IRRESPONSIBLE ON HOMELAND SECURITY FUNDING

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I rise again today to protest the unfair allocation of urban area security funding by the city of Miami. Miami is unfairly withholding the essential funds that my district needs to improve antiterrorism measures.

The city of Miami wants to keep the lion's share of the urban area security funding and to buy a helicopter, a helicopter, when Broward is receiving an embarrassing 10 percent of the money and Palm Beach County is receiving zero dollars.

It is ridiculous for Miami to be buying a helicopter with tax dollars of hard-working Americans. That is just plain egregious. All Broward and Palm Beach counties want is a fair share of what we need to protect our citizens against a terrorist attack.

One month after the 9/11 attack, anthrax was used to kill Robert Stevens, a 63-year-old photo editor in Palm Beach. And it is well known that the 9/11 terrorists made south Florida their base of operation. How much more evidence do we need to prove that Broward and Palm Beach counties are at risk and that we need some Federal assistance to help us address these very real threats.

The city of Miami cannot be trusted to spend in money on behalf of the region. President Bush, Secretary Ridge, Attorney General Ashcroft, Governor Bush, on down to the American taxpayers ought to be livid at what is going on. I know I am and so are my constituents.

CORRUPTION OF THE REPUBLICAN LEADERSHIP

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, yesterday a bipartisan majority in this House voted to change the PATRIOT Act so the government cannot wantonly snoop and peer in what people are reading in their public libraries and at their book stores. But that bipartisan majority was unable to be sustained because of the corruption of the Republican leadership in this House, because of the corruption of the rules of this House, and because of the corruption of the principles of this country by that Republican leadership.

What they could not stand was the fact that there was a majority that disagreed with the handful in the Republican leadership. So they nullified the vote. They nullified the principles of democracy; they nullified the principles of majority rule in the House of Representatives.

That very same day, thousands of families and schoolchildren came through the Capitol and they were told this is where democracy reigns. This is the beacon to the world. This is where freedom exists. But it does not exist on the floor of the House of Representatives because of the corruption of the leadership of the Republican Party.

Every time they believe the majority is going to win out here, a bipartisan coalition majority whether it is on minimum wage, whether it is on overtime, they prevent that vote from taking place. The people who are truly afraid of the majority in this country is the corrupt Republican leadership in this House.

HONORING WILLIAM F. BUCKLEY'S STEWARDSHIP OF NATIONAL REVIEW

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today the conservative movement in America stands on the shoulders of giants: men such as Edmund Burke, T.S. Elliot, F.A. Hayek, Whitaker Chambers, and William F. Buckley, Jr. Of all these theorists, no one has made a deeper and more profound impression on my life than William F. Buckley, Jr.

Since attending high school, I have read National Review, the magazine founded by Mr. Buckley in 1955. Through his stewardship of conservatism's flagship magazine, he was able to direct our visions and coherently communicate our positive philosophy. Indeed, Mr. Buckley defined the conservative movement as one that promotes a strong national defense to defeat communism and terrorism and for limited government, lower taxation, personal responsibility, individual freedom.

These principles are still the basis of conservatism today, and the National Review after nearly 50 years is still our guidebook.

Last week, Mr. Buckley turned over his ownership of National Review and ended a special era in American history. I ask all of my colleagues to join me in thanking William F. Buckley, Jr., for his service to the American political dialogue.

In conclusion, may God bless our troops and we will not forget September 11.

PUBLIC TRANSIT NEEDS MORE FUNDING FOR SECURITY

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, it does not hurt to remind Americans to be vigilant against terrorist attacks, but yesterday's infomercial from the Department of Homeland Security was similar to warnings in April and May

that did not tell the American people what to do and glossed over serious gaps in the administration's effort to protect our rail and transit systems.

One-third of all terrorist attacks worldwide target transit systems, and public transit is the most frequent target. What happened in Madrid could easily happen in New York. And we know for sure that the al Qaeda had plans to attack Washington D.C.'s Metro system last year.

We know that public transit carries 16 times more passengers than the airlines, but the Federal Government provides 90 times more funding for airline security. Something is very wrong with this security funding formula, and yesterday's press conference did nothing to fix it.

COMMUNICATION FROM THE HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
July 8, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1501(b) of the National Defense Authorization Act for Fiscal Year 2004 (P.L. 108-136), I hereby appoint to the Veterans' Disability Benefits Commission Col. Larry G. Brown of Oregon and Mr. Joe Wynn of Washington, DC.

Best regards,

NANCY PELOSI.

PROVIDING FOR CONSIDERATION OF H.R. 2828, WATER SUPPLY, RELIABILITY, AND ENVIRON- MENTAL IMPROVEMENT ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 711 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 711

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2828) to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; (2) the further amendment in the nature of a substitute printed in the report of the Committee on

Rules accompanying this resolution, if offered by Representative Calvert of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 711 is a modified closed rule providing for the consideration of H.R. 2828, the Water Supply Reliability and Environmental Improvement Act.

The rule provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The rule also waives all points of order against the bill, provides that the amendment recommended by the Committee on Resources now printed in the bill shall be considered as adopted and waives all points of order against the bill as amended.

The rule further provides for consideration of the amendment in the nature of a substitute printed in the Committee on Rules report and accompanying the resolution, if offered by the gentleman from California (Mr. CALVERT) or his designee. Said amendment shall be considered as read and shall be separately debated for 20 minutes equally divided and controlled by a proponent and an opponent.

Finally, the rule waives all points of order against the amendment in the nature of a substitute printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2828 was introduced by the gentleman from California (Mr. CALVERT) and passed by the Committee on Resources on May 5, 2004, by a voice vote. The bill would authorize the Secretary of the Interior to implement badly needed water supply technology and infrastructure programs aimed at increasing and diversifying domestic water supplies.

As is the case if many parts of the West, considerable controversy has arisen over allocation of water from a vast network of rivers, marshes, wetlands, and open water known as the California Bay-Delta. This area covers 780,000 acres and supplies water to two-thirds of California's population and nearly 7 million acres of farm land through a series of pumps, canals, and dams operated by the Federal and State governments.

The competing demands for Bay-Delta water have stretched the resources capacity to provide reliable amounts of water to users and the ecosystem and cause conflicts among farmers, urban water contractors, and environmental groups.

The California Bay-Delta program, known as CALFED, was initiated in 1995 to resolve these water conflicts. Although a record of decision for the current CALFED program was issued in 2000, legislation to implement that program has yet to be enacted by Congress. H.R. 2828 establishes within the Office of the Secretary of the Interior an office of the Federal Water Resources Coordinator to be responsible for coordinating the activities of all Federal agencies involved in implementing the activities authorized under this act.

The bill directs the Secretary to undertake a competitive grant program to, one, investigate and identify opportunities for studying, planning, and designing water resource activities; and, two, construct demonstration and permanent facilities to further these purposes as well as other programs, projects and activities.

The bill also authorizes the Federal agencies to participate in the CALFED Bay-Delta program in accordance with the objectives and solution principles that will be set forth in the Record of Decision.

In addition, H.R. 2828 authorizes the Secretary to establish a program for the construction of rural water systems in the reclamation States in cooperation with other Federal agencies with rural water programs as well as non-Federal project entities.

Mr. Speaker, CBO estimates that implementing H.R. 2828 would cost \$427 million over the 2005 to 2009 time period and \$65 million after 2009. These amounts do not include the cost of constructing four new water storage projects authorized by this bill because construction would be begin after 2009.

CBO estimates that the Federal share of those additional construction costs could range from \$200 million to \$400 million over the 2010 to 2020 time period.

Enacting this bill would not affect direct spending or revenues. H.R. 2828 contains no intergovernmental or private sector mandates as defined by the Unfunded Mandates Reform Act and would impose no costs on the State, local, or tribal governments.

Mr. Speaker, those of us from western States in particular are acutely aware of the importance of providing adequate water supplies in ways that protect sensitive environmental resources. Indeed, this is among the most challenging areas of domestic policy that we have. I commend the gentleman from California (Mr. CALVERT) and his colleagues on the Committee on Resources for tackling this difficult issue in a way that strikes a reasonable balance between economic development and environmental protection.

This bill is badly needed and long overdue. So accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes so we can talk about H. Res. 711 which is providing for the consideration of H.R. 2828, the Water Supply, Reliability and Environmental Improvement Act. I was kind of hoping the gentleman might yield me 38 minutes instead of the customary 30 minutes; but then again, he is not in the chair so he is not able to do that today.

Mr. Speaker, what happened yesterday on this House floor was a disgrace. And the Republican leadership who run this House should be ashamed of themselves. The majority Members who allowed that to happen yesterday should also be ashamed of themselves.

The gentleman from Vermont along with several of his colleagues offered an amendment to strike a controversial provision of the PATRIOT Act. This provision allows authorities to demand library and Internet records of people who use our public libraries.

Three years ago, Mr. Speaker, I voted against the PATRIOT Act because it expanded the authority of the Attorney General and the FBI without requiring any corresponding accountability. And yesterday I voted for the Sanders amendment because it protects the American people and our public libraries and book stores from the overreaching arm of the Department of Justice.

Mr. Speaker, the Sanders amendment won. And this deliberative body, in this place where democracy is the standard, the Sanders amendment won. And after 15 minutes there were 213 people voting for the amendment, and only 206 voting against it. That is a clear victory. One does not need a Ph.D. in mathematics to figure out that the Sanders amendment won, fair and square.

Yet the House Republican leadership held the vote open for 23 more minutes for a total of 38 minutes so they could twist the arms of their rank and file to change their vote so they could rig this vote. After these 38 minutes were over and the vote was finally closed, the vote was tied 210 to 210.

The Republican leadership did what they do best, they hijacked the democratic process and they did it. And they did it because they could, and they did it because they could get away with it.

What happened yesterday on the House floor was unique in only one respect, Mr. Speaker, and that is it happened in broad daylight. Usually, this heavy-handedness happens late into the night or in the early morning hours

so that nobody is watching, so that there is nobody in the press gallery who was watching, so that people at home are asleep. So what happened yesterday was unique only in that one respect.

Mr. Speaker, the actions of the Republican majority have diminished the people's House. They have made a mockery of democracy, and they have demonstrated a heavy-handedness that is becoming all too common here.

Yesterday, once again, the Republican majority demonstrated an incredible arrogance toward the American people. They demonstrated an incredible contempt for the Members of this House, Members of their own party who they intimidated into changing their votes.

Quite frankly, Mr. Speaker, they are unqualified to run this people's House. They have made a laughing stock of this place. They have turned this House into a national embarrassment. This is unacceptable. This is unacceptable, Mr. Speaker. And the American people need to know what is going on here. This is not a deliberative body anymore. This is not a place of democracy. This is not a place where people can debate ideas, where people then can vote, Members can vote and then the majority wins. This place is not being run the way it is supposed to be run. It is an absolute disgrace.

Mr. Speaker, this bill addresses an issue that affects the State of California—the distribution of water from north to south, and other related issues unique to California. However, I am concerned with many of the provisions in the bill and their potential to impact all of us. Specifically, I'm concerned about a seemingly technical provision in this bill that could have far-reaching effects on how water is used in California and how we conduct our business here in Congress.

Section 103(b)(5)(A) of this bill grants an ongoing, rolling authorization to the Federal Bureau of Reclamation to plan and build water projects in the California Bay-Delta area. In plain English, this means that Congress would be writing a blank check to the Department of Interior to build as many billion-dollar dams in central California as they want, even if these projects end up harming the environmentally sensitive areas we say we want to protect.

Mr. Speaker, the way our legislative process is supposed to work is that Congress writes the laws and sets the policies about how and where our tax dollars get spent. The job of the executive branch is to implement these laws through the various agencies of the Federal government.

This bill sets up a process that turns the legislative process on its head. It hands over the Congressional power to spend public funds to an unaccountable Federal agency. It tells officials in the Department of Interior they can spend billions of the taxpayers' dollars any way they want and then, only afterwards, check in with Congress. And if Congress doesn't act in 120 days, the Department can continue on its merry way, spending billions of dollars on dams and other water projects that may or may not accomplish the objectives of the CALFED water agreement.

Supporters of this provision claim there are precedents for their so-called "non-project-

specific authorization" language, but their precedents involve only small projects and small dollar amounts.

In the case of the CALFED Water Project, the public policy stakes are just too high for Congress to hand over our decision-making responsibilities to a Federal agency. Congress has a constitutional responsibility to make these kinds of decisions, and we shouldn't shirk those responsibilities by passing the buck to a Federal agency. The way the CALFED project is managed over the next 30 years will have a profound effect on the 35 million water-drinking citizens of the State of California, the State's agricultural industry, and some of our country's most fragile and endangered ecosystems.

And what about our responsibility to be careful stewards of taxpayer dollars? I constantly hear fiscal conservatives on the other side of the aisle complain about the lack of budget discipline. Prior to the recess, these fiscal conservatives led a charge trying to slow down Federal spending, and make it harder for Congress to spend taxpayer dollars. But this bill basically gives the executive branch a blank check to spend on potentially costly projects like dams and canals.

I hope that some of those same members join me today in expressing concern about a policy that allows an agency to "Spend the money first, then check in with Congress later." That doesn't strike me as a policy that will help us get out of the deep budget deficit hole—a hole that has been deepened by President Bush and this Republican Congress.

Mr. Speaker, this provision is bad policy and this bill is poorly drafted. I will vote against this bill, and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), the author of this legislation and one who has been a leader on this issue.

□ 0930

Mr. CALVERT. I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, I rise in favor of this rule. Certainly water is extremely important, not just to California but the entire west, and certainly to all of those who have been associated with the current CALFED program, ecosystem restoration activities appears to be somewhat haphazard. The measurable outcome has focused on dollars spent rather than increased numbers of fish and wildlife. This legislation proposes new congressional oversight and accountability, requiring Federal agencies to report on certain ecosystem restoration program goals and accomplishments. For example, landowners want to see accomplishments of land and water management plans and how new ecosystem restoration plans will fit into the big picture.

The manager's amendment to the bill will be reducing the Federal cost of implementation of this from over a billion dollars 4 years ago, and \$890 million as introduced to a Federal authorization of \$427 million.

This bill has bipartisan support. H.R. 2828 is the product of congressional de-

liberation and lengthy negotiations. That is why it was reported by the Committee on Resources with bipartisan support. Democrats and Republicans throughout the State of California support this bill because it is balanced in nature and it will be, as I mentioned, not just good for California but the entire West.

I urge the adoption of this rule.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I know that we are debating the rule on legislation that is being proposed this morning, but I have to say, I do not really know what the rules are anymore in the House of Representatives. I listened last night when the Sanders amendment came up and all that the majority were trying to do, the bipartisan majority, was to protect Americans' civil liberties. After the vote took place, all of a sudden the floor and the vote stays open for another 30 plus minutes, even though everyone had voted and there was not anyone left in the well to cast a vote. It is a total abuse of power by the Republican majority here on the floor of the House of Representatives.

Think about it. When you go to the polls and vote in a general election, in New Jersey the polls close at 8 o'clock. Then you count the votes. You do not have the opportunity to keep the voting machine open and have the people come back and say, well, I changed my mind because I heard about something new that somebody told me and now I want to change my vote, so let's keep it open.

How long is the vote going to be kept open here in the House of Representatives until the Republican majority get their will regardless of what the American people and their representatives want. Will we keep it open 30 minutes as it was yesterday on the Sanders amendment? Will we keep it open 3 hours as we did on the Medicare prescription drug bill which was a lousy bill and the majority, including a significant number of Republicans, were against it until they were cajoled in a 3-hour delay and promised all kinds of things and probably laws were violated to get Members on the Republican side to change their vote. What are the rules?

We act as if this is the House of Representatives that is based on rules. That is why we are having a debate on a rule today for a piece of legislation. But there are no rules. The majority abuses its power and does whatever it pleases. We never know at any given time when the vote is going to be over. I think if this continues, it is just going to be worse and worse for our system of government, the democratic system that we value and cherish here in the House of Representatives and across the country. All that everyone who voted for the Sanders amendment yesterday were trying to do was to protect civil liberties.

One may disagree, think that the PATRIOT Act is good or think it is bad, but when a majority on a bipartisan basis makes a decision that it should be amended and should be changed because they want to protect civil liberties, then that majority should be allowed to vote in a fair way. We do not keep the vote open as we go around and tell Members, well, maybe I am going to give you this or give you that if you change your vote on something that is so basic to American civil liberties. It is just not right. It is shameful.

I just want to join with my colleagues again, on both sides of the aisle, essentially last night who said shame, shame on the Republican majority for what they continue to do and this abuse of power. Something has got to be done so that we know what the rules are. I do not know what the rules are anymore around here and how this Republican leadership goes about deciding what the rules are.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, as we discuss the rules, it is impossible for those of us on our side to proceed without talking about the degrading spectacle of yesterday. It is particularly ironic that the Republican leadership chose to use extremely undemocratic tactics because there was a fear that democracy might break out in the law. What you had was a bipartisan coalition which formed a majority of the House seeking to change a provision of the PATRIOT Act.

POINT OF ORDER

Mr. HASTINGS of Washington. Mr. Speaker, point of order.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will state his point of order.

Mr. HASTINGS of Washington. Mr. Speaker, I make a point of order that the gentleman is in violation of House rule XVII, which requires that a Member's remarks in debate shall be confined to the question under debate, and ask to be heard on my point of order.

Mr. Speaker, House rule XVII, pertaining to Decorum and Debate provides in part that when a Member desires to speak or deliver any matter to the House, they shall on being recognized confine themselves to the question under debate.

To quote from section 948 of the House Rules and Manual:

"Debate on a special order providing for the consideration of a bill may range to the merits of the bill to be made in order, since the question of consideration of the bill is involved, but should not range to the merits of a measure not to be considered under that special order."

Mr. Speaker, nothing in this rule or the bill it makes in order has anything to do with what occurred on the floor yesterday afternoon.

Therefore, I urge that the Chair uphold this point of order against this irrelevant debate.

The SPEAKER pro tempore. Does the gentleman from Massachusetts wish to be heard on the point of order?

Mr. FRANK of Massachusetts. I wish to be heard on the point of order and to contest it vigorously.

I understand the sensitivity of the author of the point of order to discussion of the events over which he presided yesterday, but we are talking about the rules of the House, and we were confronted with what we believed to have been a grievous abuse of the spirit of the rules of the House and we need some reassurance that we will not have a repetition of this as we go forward.

We are, after all, now debating whether or not we will have a previous question motion. If it were to fail, we would then be able to offer some amendments that might prevent that kind of abuse. So I believe a discussion of the abusive pattern of behavior of yesterday is directly relevant to a discussion about whether we ought to go forward with a rule with a previous question or whether or not we ought to be allowed to propose some amendments to this rule that will protect us against the abuse of power of yesterday.

The SPEAKER pro tempore. The Chair finds that the gentleman from Washington is correct, that the remarks during this debate should be confined to the special order of business before the House. The pending business before the House is not a discussion of the rules of the House generally. It is the rule that is pending before the House.

Mr. FRANK of Massachusetts. Mr. Speaker, I appeal the decision of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 197, nays 165, not voting 71, as follows:

[Roll No. 348]

YEAS—197

Aderholt	Gibbons	Nussle
Akin	Gilchrest	Osborne
Alexander	Gingrey	Ose
Bachus	Goodlatte	Oxley
Baker	Goss	Pearce
Ballenger	Granger	Pence
Barrett (SC)	Graves	Peterson (PA)
Bartlett (MD)	Green (WI)	Petri
Bass	Greenwood	Pickering
Beauprez	Gutknecht	Pombo
Bereuter	Hall	Porter
Biggart	Harris	Portman
Bilirakis	Hart	Pryce (OH)
Bishop (UT)	Hastings (WA)	Putnam
Blackburn	Hayes	Radanovich
Blunt	Hayworth	Ramstad
Boehlert	Hefley	Regula
Boehner	Hensarling	Rehberg
Bonilla	Hobson	Renzi
Bonner	Hoekstra	Rogers (AL)
Boozman	Hostettler	Rogers (KY)
Boucher	Houghton	Rogers (MI)
Bradley (NH)	Hulshof	Royce
Brady (TX)	Hunter	Ryan (WI)
Brown (SC)	Hyde	Ryun (KS)
Brown-Waite,	Issa	Saxton
Ginny	Istook	Schrock
Burgess	Jenkins	Sensenbrenner
Burns	Johnson (CT)	Sessions
Burr	Johnson (IL)	Shadegg
Buyer	Jones (NC)	Shaw
Calvert	Keller	Shays
Camp	Kelly	Sherwood
Cannon	Kennedy (MN)	Shimkus
Cantor	King (IA)	Shuster
Capito	King (NY)	Simmons
Carter	Kingston	Simpson
Castle	Kirk	Smith (MI)
Chabot	Kline	Smith (NJ)
Chocola	Knollenberg	Smith (TX)
Coble	Kolbe	Souder
Cole	Latham	Stearns
Crane	LaTourette	Tancredo
Crenshaw	Leach	Taylor (MS)
Cubin	Lewis (CA)	Taylor (NC)
Cunningham	Lewis (KY)	Terry
Davis, Jo Ann	LoBiondo	Thomas
Davis, Tom	Lucas (OK)	Thornberry
DeLay	Manzullo	Tiahrt
DeMint	McCotter	Tiberi
Diaz-Balart, M.	McCrery	Toomey
Doolittle	McHugh	Turner (OH)
Dreier	McInnis	Upton
Duncan	Mica	Vitter
Ehlers	Miller (FL)	Walden (OR)
Emerson	Miller (MI)	Walsh
Everett	Miller, Gary	Wamp
Feeney	Moran (KS)	Weldon (FL)
Ferguson	Murphy	Weldon (PA)
Foley	Musgrave	Weller
Forbes	Myrick	Whitfield
Fossella	Nethercutt	Wickler
Franks (AZ)	Neugebauer	Wilson (NM)
Frelinghuysen	Ney	Wilson (SC)
Gallely	Northup	Wolf
Garrett (NJ)	Nunes	Young (FL)

NAYS—165

Abercrombie	Davis (CA)	Hill
Allen	Davis (FL)	Hoeffel
Andrews	Davis (IL)	Holden
Baca	Davis (TN)	Holt
Baird	DeFazio	Honda
Baldwin	DeGette	Hooley (OR)
Becerra	DeLauro	Hoyer
Berkley	Deutscher	Inslee
Berman	Dicks	Israel
Berry	Dingell	Jackson (IL)
Bishop (GA)	Doggett	Jackson-Lee
Boswell	Doyle	(TX)
Boyd	Edwards	Johnson, E. B.
Brady (PA)	Emanuel	Kanjorski
Brown (OH)	Eshoo	Kaptur
Capps	Etheridge	Kennedy (RI)
Capuano	Evans	Kildee
Cardin	Farr	Kilpatrick
Cardoza	Filner	Kind
Carson (OK)	Ford	Kucinich
Chandler	Frank (MA)	Lampson
Clyburn	Frost	Langevin
Conyers	Gonzalez	Lantos
Cooper	Gordon	Larson (CT)
Costello	Grijalva	Levin
Cramer	Gutierrez	Lewis (GA)
Crowley	Harman	Lofgren
Davis (AL)	Herseth	Lowey

Lucas (KY)	Oliver	Scott (VA)
Lynch	Ortiz	Serrano
Maloney	Pallone	Sherman
Markey	Pascarell	Skelton
Marshall	Pastor	Slaughter
Matheson	Payne	Smith (WA)
Matsui	Pelosi	Snyder
McCarthy (MO)	Peterson (MN)	Solis
McCarthy (NY)	Pomeroy	Spratt
McCollum	Price (NC)	Stark
McDermott	Rahall	Stenholm
McGovern	Rangel	Strickland
McNulty	Rodriguez	Stupak
Meehan	Ross	Tauscher
Meek (FL)	Rothman	Thompson (CA)
Menendez	Roybal-Allard	Thompson (MS)
Michaud	Ruppersberger	Tierney
Millender-	Rush	Towns
McDonald	Ryan (OH)	Udall (CO)
Miller (NC)	Sabo	Udall (NM)
Mollohan	Sánchez, Linda	Van Hollen
Moore	T.	Velázquez
Moran (VA)	Sanchez, Loretta	Visclosky
Murtha	Sanders	Watt
Nadler	Sandlin	Weiner
Napolitano	Schakowsky	Woolsey
Neal (MA)	Schiff	Wu
Obey	Scott (GA)	Wynn

NOT VOTING—71

Ackerman	Gephardt	Miller, George
Barton (TX)	Gerlach	Norwood
Bell	Gillmor	Oberstar
Bishop (NY)	Goode	Otter
Blumenauer	Green (TX)	Owens
Bono	Hastings (FL)	Paul
Brown, Corrine	Herger	Pitts
Burton (IN)	Hinchey	Platts
Carson (IN)	Hinojosa	Quinn
Case	Isakson	Reyes
Clay	Jefferson	Reynolds
Collins	John	Rohrabacher
Cox	Johnson, Sam	Ros-Lehtinen
Culberson	Jones (OH)	Sullivan
Cummings	Klecicka	Sweeney
Deal (GA)	LaHood	Tanner
Delahunt	Larsen (WA)	Tauzin
Diaz-Balart, L.	Lee	Turner (TX)
Dooley (CA)	Linder	Waters
Dunn	Lipinski	Watson
Engel	Majette	Waxman
English	McIntyre	Wexler
Fattah	McKeon	Young (AK)
Flake	Meeks (NY)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

PARLIAMENTARY INQUIRIES

Mr. MCGOVERN (during the vote). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MCGOVERN. I would like to ask the Speaker how long he is going to keep this roll call open.

The SPEAKER pro tempore. The rules of the House provide for a minimum duration of 15 minutes.

The Chair would also advise the gentleman that at the moment, because this is the first vote of the day, the Chair is attempting to afford courtesy to Members. The Chair will continue to exercise its discretion and will let the Members know.

Mr. FRANK of Massachusetts. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the fact that the Speaker is offering this courtesy to Members in keeping the roll call open, but there will be no need to keep it open for too long because I assume the Speaker is aware that this time you are winning.

The SPEAKER pro tempore. The gentleman has failed to state a parliamentary inquiry.

□ 1008

Messrs. CARDOZA, MILLER of North Carolina, DOGGETT, GORDON, STARK and FORD changed their vote from "yea" to "nay."

Ms. HARRIS, Mrs. MYRICK, and Messrs. GREEN of Wisconsin, BONNER, DEMINT, BALLENGER, BONILLA and HOBSON changed their vote from "nay" to "yea."

So the motion to table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LATOURETTE). Before the last vote, the gentleman from Massachusetts (Mr. FRANK) was under recognition. The gentleman has 3½ minutes remaining of the 4 minutes yielded to him.

Mr. MCGOVERN. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, in an attempt to avoid today the travesty which occurred on the House floor yesterday, I am going to urge my colleagues at the end of this debate on the rule to vote no on the previous question so that I will be able to offer an amendment that will state very simply that during consideration of H.R. 2828, a record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of a vote.

So I will urge my colleagues to vote no on the previous question.

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, I thank the gentleman from Massachusetts.

Mr. Speaker, it is now very clear we are talking here about whether or not we should keep open this rule to amendment, and the amendment that the gentleman from Massachusetts will offer will be to prevent keeping open the roll call for the purpose of manipulation.

Now, I was talking about that before, and I was told I was out of order. It is an interesting sequence. Yesterday, many of us thought we were changing a provision of the PATRIOT Act, which we find to be insufficiently cognizant of democratic values, and the majority then used what many of us believed to be very undemocratic procedures to prevent us from dealing with an undemocratic provision. And today, to complete the trifecta of disrespect for democracy, I was silenced when I tried to talk about, in an open forum, the undemocratic approach to yesterday's democracy.

Now, I know one of the things we are trying to do is to instruct the people of Iraq, to help the people of Iraq understand democracy. We want them to be open. We want them to fully engage debate, not to suppress dissension. And the only thing I can say is this, Mr.

Speaker, and I know we are not supposed to address the television audience, so I address this to you.

I hope you will convey to any Iraqis who might be watching the proceedings of this House on television with regard to democracy, if they see what we are doing, please do not try this at home.

Now, let me explain why we are upset about the delay. It is not simply "the delay." Delay is not bad. We will have a chance today to show, in fact, that we are prepared to delay things as well. The question is what happens during the delay.

The purpose of delaying a roll call, the reason the gentleman from Massachusetts (Mr. MCGOVERN) will offer this amendment, is to preserve the integrity of the House, because here is what happens. We have a roll call and Members vote, and Members will have, in some cases, said to their constituents, I support this position and I will vote that way.

Then the vote tally is taken, and when the vote tally is taken, it turns out that the Republican side has lost. Then the roll call is held open, and that is why we want to prevent the re-occurrence and why we will be offering this amendment if the previous question is defeated.

What happens then is this: The roll call is held open indefinitely so that Members who have told people in their districts they will vote one way can be pressured into voting another way. That is the purpose of holding the roll call open, to orchestrate a scheme by which the voters are misled; to orchestrate a scheme in which people can take a certain position, with the silent footnote that that position that they are taking will hold only so long as it does not prevail. But if it looks as if what they have told their constituents will prevail, they are prepared under the pressure from their leadership to abandon it.

So we are not simply talking about the convenience of the House, we are talking about the integrity of the democratic process, because the sole purpose of that sort of delay, we are not trying to accommodate people just so they can vote, this is a very particular form of delay. It is a "DeLay-delay." And this kind of "delay squared," carried out at the behest of the majority leader, is to allow Members of the Republican leadership to press members of the Republican Party who have voted one way to now abandon that position lest the way they voted prevail. And the only reason for that, as I said, is to perpetuate misinformation. So let us not have this situation.

By the way, there is one other thing the voters ought to understand, Mr. Speaker. What we used to have in this Congress was individual Members voting, they consulted with their party leadership and then they voted.

What has become clear now, and it was clear in the Medicare prescription drug bill, it is clear with the PATRIOT

Act, it is now clear the Republican leadership is not prepared to allow its Members to vote contrary to the Republican leadership position if it will prevail. Republicans are allowed by their leadership the freedom of their conscience, as long as it is not operative. But if, in fact, there is any danger that what they say they are for will, in fact, reach fruition, the rug is yanked out from under them and they have to change their position.

What it means is people should understand, come election, no matter who they think they are voting for, they are voting for the Republican leadership, because the Republican leadership is prepared to change the spirits of these rules, to hold roll calls open indefinitely, as long as it takes to pressure Republican Members who have voted one way, presumably having told people in their districts they will vote that way, to switch their votes.

The sole purpose of these open roll calls is to allow deception, to undermine democracy.

I hope that we vote down the previous question, that the gentleman's amendment is adopted, and that we restore the principle of intellectual honesty and integrity and democracy to this House.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I rise in opposition to the previous question in order to consider the McGovern amendment, and I do so because I think the question before this House really is under what set of rules are we operating?

We say we have the Jefferson book, and we bring it out here and it is a foot thick, of all the rules this place runs under. But the leadership on the other side operates on another set of rules called the King George II rules. Those rules have made it possible for the President of the United States to serve for 3½ years without using his veto pen on one single occasion.

The White House sends down the message to the gentleman from Texas (Mr. DELAY) and says this is what I want, and the gentleman from Texas (Mr. DELAY) says yes, sir, and comes out on the floor, and if it is not coming out that way, we switch from the House rules to the King George II rules.

Now, you might say yesterday was an anomaly. No, this is just a little blip in the curve. We all remember fast track. Fast track came out here and it got to a point where it had lost; and the word came from the White House, and, lo and behold, some arms were broken, there were bodies down here in the well, and suddenly we had four or five votes from the Carolinas and other places that suddenly changed that vote.

Then we came to Medicare and we see that this is a bill that came out here,

and it lost, it was going to lose. And the message came from the White House, keep that vote open. They sent Mr. Thompson over from HHS, they sent everybody in sight over here to walk around on this floor to make sure that that vote came out under the King George II rules.

□ 1015

Yesterday, we have the President of the United States, we have the Attorney General going nationwide, trying to pump up people to believe that the PATRIOT Act is the best thing since sliced bread. But on a bipartisan basis on this floor, we turned it down. We said, we need to tighten it up. We opened it too much when it was passed some months ago. But the King George rules turned on and said no, no, you are not changing one word. You are not going to change one word. When we send something over there to you guys, you remember how the PATRIOT Act came to be. It was worked out in committee. It was a vote, bipartisan effort, it came out of the Committee on the Judiciary; it went to the Committee on Rules and the King George rules came into play: throw that in the wastebasket. Here is the bill that we will print tonight and tomorrow morning you will vote on. Very few of us knew the details of that bill. Having seen it in action, we now want to change some of it. That is the democratic process. But the King George rules are meant to shut down debate, to shut down dissent.

What would this body be if suddenly people from all over the country; in this legislative body, the first part of the Constitution, article I, says we are the ones who are supposed to decide the policy in this country. Yet, when we come to a decision, suddenly a phone call from the White House and bingo, it turns over. The gentleman from Texas (Mr. DELAY) is not a free man. I do not think he is a bad guy. I think he is doing what he is told. This is a one-party government that is trying to stop dissent, and we need to resist that. We need to vote for the McGovern amendment.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I rise in opposition to the previous question so that we may consider and support the McGovern amendment.

What happened here yesterday was not an affront to the members of the minority. It was not even an affront to the 140 million people that we represent. It was an affront to the tradition of this institution that says that rules should reign over personal agendas.

We all come here believing passionately in the rightness of our cause, and we fight passionately for victory for our causes. But we have learned that

when we lose that fight, the right result is to come back tomorrow and fight again. When you lose, Mr. Speaker, the right result is not to wait until you can win by manipulating the rules. That is just plain wrong. And it has become a malignant practice here in this House.

When we considered the Medicare legislation, probably the most important legislation this Congress will consider, the vote was held open for more than 3 hours because the majority lost the vote. And during those 3 hours, the majority took advantage of whatever leverage it had, and some of that leverage is now the subject of an investigation by the Committee on Standards of Official Conduct. It took advantage of every piece of leverage it had to alter the outcome of the vote.

Yesterday, on a very significant vote regarding the civil liberties of the people of this country who go to a library or a bookstore, the majority lost the vote and was unwilling to settle for that response.

We have a tradition in this institution and in this country. You fight fiercely for the things in which you believe; but when you lose, you lose, and the remedy is to come back tomorrow and fight again. The remedy is not to bend and subvert the rules so that you do not lose.

Our party lost the majority in this House a decade ago because there was a perception that we had subverted some of those rules. You, my friends in the majority, are in danger not only of losing your majority, but you are in danger of jeopardizing something far more important, and that is a basic understanding in this country that we all play under the rules.

Do not sacrifice the integrity of this institution again for some short-term, hallow political victory.

Vote against the previous question and adopt the McGovern amendment.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time, and I rise to oppose the previous question so that the McGovern amendment might be considered.

I want to join in the plea of the gentleman from New Jersey for civility and responsibility in this body. I could not think of a better document to bring to this floor than to refer my colleagues to the opening language of the Constitution where it states: "We, the people of the United States, in order to form a more perfect union, establish justice and secure the blessings of liberty to ourselves and our posterity."

Tragically, yesterday, my good friends on the other side of the aisle, and I do call them good friends because I would hope that they would take an oath of office to do what is right for the American people, began to utilize their majority in the context of tyranny. They began to reemphasize the

very reason why this Union was formed, and that is to eliminate persecution. What they did yesterday is they persecuted the issues of liberty, because they denied the majority vote the right to prevail.

We prevailed yesterday in a bipartisan vote. That vote established the conscience of this Congress as it relates to the protection of civil liberties. What better stand than to take a bipartisan stand on the question of protecting all of these people who are here, their civil liberties, so that when a mother takes a child to the library, or a father takes a child to the library, they do not have to be intimidated by the law enforcement offices of this Nation. What a tragedy that this side disallowed the posterity of liberty, the liberty that we are blessed with. How they ignored it yesterday by refusing to allow an amendment that would protect our liberties and to stand united for civil liberties in a bipartisan way. What a tragedy that reflected on this body in the worst of ways.

Might I say, even with the pronouncement yesterday by Secretary Ridge, which many of us wonder in its substance and its timing, and as a member of the Committee on Homeland Security, I do not take lightly the protection of this homeland, but I also hope that the executive does not take lightly the protection of our Constitution and our civil liberties.

But, Mr. Speaker, let me tell my colleagues what else yesterday reminded me of: the sad day in November 2000 when an election was lost, not by the people of the United States, because they voted in the majority for a candidate that would have assumed the Presidency of the United States, but it was because we lost votes that could not be found and, ultimately, a decision was made in the judiciary and not by the people of the United States of America.

Yesterday, the people voted and won but the majority denied that vote. I ask that we defeat and oppose the previous question so that the McGovern amendment can be heard, Mr. Speaker, so that the people can speak again on the floor of the House of the United States of America.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in support of the McGovern amendment and in opposition to the pending motion to support the McGovern amendment.

Let us remind ourselves what the McGovern amendment says. If we defeat the previous question, we will be able to consider this amendment, and all the amendment says is that a record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of a vote. Since the majority party here rigged the vote yesterday, rigged the vote for Medicare in November, they are afraid to vote on this amendment, because they want to

have the ability to continue to rig the votes.

Let us understand what this really means. A Republican senior leadership aide is quoted in this morning's Congress Daily as saying, a senior GOP aide said, "It was important to defeat the amendment. It is not normal to hold a vote open, but it is not that unusual either. It happens."

In other words, whenever it is necessary to defeat the amendment or the vote, we will hold the vote open. What does that mean? It means that if you can hold the vote open for as long as necessary to twist arms for days, if necessary, then whoever holds the gavel can never lose the vote. It means it does not matter who the people elect and send here. It does not matter the convictions of people here. All that matters is who holds the gavel. Because if they can keep the vote open forever until the vote goes right, the majority party can never lose the votes. That means there is no democracy in the House.

So what we are discussing now is are we going to have democracy in the House, are we going to have a democratic form of government in this country. Because what the Republicans have done by showing a willingness to hold the vote open for 3 hours last November, for 38 minutes yesterday, for 2 days next week, who knows, is when a vote matters, they will not lose it no matter what the votes, because democracy does not matter.

For that alone, for destroying democracy in the House, for not being ashamed of it, this party ought to hang its head in shame and ought to surrender in November the right to govern this House until it learns how to be a party in a democracy again.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, early on after 9/11, it was said that this country was attacked by terrorists because the terrorists hated our freedom and hated our democracy.

What is it about our freedoms and our democracy that the Republican leadership does not like? What is it about the concept of majority rule that the Republican leadership does not like? What is it about the idea of a free and open debate that the Republican leadership does not like? What is it about the fact that if you can put together a bipartisan coalition to win a point, to win an amendment, to defeat a bill or to pass a bill, if it is not consistent with the Republican leadership, they get to then overturn it, they get to nullify the majority? They get to nullify the actions, as they did yesterday when the time came to end the vote; they nullified the actions of over half of the people in the country of the United States of America because their representatives voted to amend the PATRIOT Act. But that is not what the Republican leadership wanted, so they simply held the vote open until

they could nullify the will of the majority in this country.

If the Republican leadership stays at it long enough, there will not be any freedoms. There will not be any democracy for the terrorists to hate, because the Republican leadership in this House is doing an incredible job of destroying the history of this House, the history of open debate, the history of the majority prevailing, while protecting the minority.

This Republican leadership, the White House, and so many people, say we have to go and deliver democracy to Iraq, to Iran, to Uzbekistan, Afghanistan, Pakistan. What about a little democracy on the floor of the House of Representatives of the United States of America? What about a little respect for democracy here? What about a little respect for the Rules of the House? What about a little respect for the rights of the majority to prevail on a vote? What about respect for the right of the minority to raise the point to offer an amendment? If you have a good amendment and they think you will prevail on the floor, you will get enough Republicans and Democrats to vote for that amendment, the Committee on Rules will not allow it in order.

□ 1030

If you sneak one by them and the majority surprises them and you win a vote on the floor of the House of Representatives, they take that vote away from you.

This is not what democracy is about. This is not what freedoms are about. This is not what people think they are dying for around the world. This is not what they pursue when they pursue the hope of America, they have seen that beacon of liberty, that Statue of Liberty. Do they really think that when they are all done, they get the dictatorship of the Republican majority to shut down democracy?

Would that be worth dying for? Would that be worth putting your life on the line for? Would that be worth to sacrifice when people take to streets all over the world so that they can become like America only to be tricked and find out that in America, in the House of Representatives, the Republican dictatorship has shut down that democracy, has shut down that freedom. And when the majority in this country through their representatives suggest that they want to make sure that their freedoms and their rights were protected in the PATRIOT Act, the dictatorship of the Republican majority said no. A majority vote on protecting the rights and the freedoms that are so fundamental to the heritage, to the culture, to the history, to the future of this country. A majority vote was nullified by the Republican dictatorship.

It is a sad, sad day for democracy in the House of Representatives, the people's House of the United States of America.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Massachusetts (Mr. MCGOVERN) has 1½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I just want to inquire of the gentleman from Washington (Mr. HASTINGS), I will be closing on my side.

Mr. HASTINGS of Washington. The distinguished chairman of the Committee on Rules will close on our side, so if the gentleman would like to close.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the sad reality is that there are no rules in this House of Representatives. Tradition and procedures of this House are routinely ignored. Members will be treated with disrespect, members even on the Republican side. This Republican leadership has diminished the people's House. It is shameful.

I appeal to Members on the Republican side to stand up to the bullying of their own leadership. This trampling of the rules and traditions of this House is not an isolated problem. It happens every day. And the only way it will stop is for good people to stand up and to say enough is enough.

I am urging Members to vote no on the previous question so I can offer an amendment which says simply that during the consideration of H.R. 2828, a record vote by electronic device shall not be held up for the sole purpose of reversing the outcome of a vote. That is all it says. How can you be against that?

I urge Members to vote no on the previous question. Vote yes on my amendment to stand up with us for what is right. We know what happened yesterday was wrong. Show some guts.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MOTION TO ADJOURN

Mr. MCGOVERN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 54, nays 334, not voting 46, as follows:

[Roll No. 349]

YEAS—54

Alexander
Allen
Baldwin
Berman
Capuano
Clyburn
Conyers
Crowley
Davis (FL)
Davis (IL)
Dingell
Doggett
Emanuel
Evans
Farr
Filner
Ford
Frank (MA)
Grijalva

Gutierrez
Honda
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Lantos
Larson (CT)
Lewis (GA)
Lofgren
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
Millender-
McDonald
Miller (NC)
Neal (MA)
Owens

Pelosi
Pomeroy
Rothman
Sánchez, Linda
T.
Sanders
Schakowsky
Shimkus
Snyder
Solis
Spratt
Stark
Stupak
Tierney
Townes
Udall (CO)
Velázquez
Watson
Woolsey

NAYS—334

Abercrombie
Aderholt
Akin
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocoba
Coble
Cole
Cooper
Costello
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro

DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jenkins

Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klecza
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)

Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes

Oberstar
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascarella
Pastor
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher

Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm

Strickland
Sullivan
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Waldeen (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—46

Ackerman
Baird
Bell
Bishop (NY)
Blumenauer
Boyd
Brown, Corrine
Carson (IN)
Clay
Collins
Cox
Culberson
Cummings
Deal (GA)
DeLaunt
Engel

Fattah
Fossella
Gephardt
Gerlach
Green (TX)
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
LaHood
Lee
Lipinski
Majette
Meeks (NY)
Norwood

Nussle
Paul
Pitts
Platts
Quinn
Reyes
Sweeney
Tanner
Tauzin
Turner (TX)
Waters
Waxman
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1058

Mr. HEFLEY, Mr. VITTER and Ms. ROYBAL-ALLARD changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2828, WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT ACT

The SPEAKER pro tempore. The Chair would advise that the gentleman from Massachusetts (Mr. MCGOVERN) has 30 seconds remaining. The gentleman from Washington (Mr. HASTINGS) has 23½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, if I could ask my colleague from Washington, does he have only one speaker to close?

Mr. HASTINGS of Washington. I have one speaker left. So if the gentleman is prepared to close, I am.

Mr. MCGOVERN. Mr. Speaker, I yield myself the remaining time.

I want to urge my colleagues to vote "no" on the previous question so that I could bring up an amendment which simply says that during the consideration of H.R. 2828, a record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of a vote.

Yesterday was a disgrace, and the only way it will never happen again is if some of my Republican colleagues stand up to the bully of their own leadership. Vote "no" on the previous question. Vote "yes" on the McGovern amendment. Show some guts.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of the previous question and the rule. Rule XX, clause 2(a) makes it very clear there is a minimum, a minimum, a minimum of 15 minutes to be allowed on each recorded vote or quorum call. There has been a long-standing tradition in this great deliberative body of people having the opportunity to change their minds.

I am looking at my friend, the gentleman from Massachusetts (Mr. FRANK). He and I came together here in 1980. I served for 14 years as a member of the minority, and I will say that that long-standing tradition of Members, at the invitation of the leadership, to change their mind is something that has existed on both sides of the aisle for decades and decades and decades. That is why we have leaders.

□ 1100

That is why we have leaders, to provide that kind of very strong leadership to do just that.

Now, we know that there has been complete compliance with the rules, and we are here, we are here at this moment, Mr. Speaker, to pass a rule for a very important bipartisan piece of legislation. It is a bipartisan bill that has been in the works for a decade and a half, and I want to congratulate my colleague, the gentleman from California (Mr. CALVERT), who has been so diligent, diligent over the period of time we have been addressing this issue to bring about a final resolution which we are going to address today in a bipartisan way.

So with that sense of bipartisanship, I would like to close by congratulating our baseball team for the great victory they achieved.

Ms. WOOLSEY. Mr. Speaker, I believe in the freedom to read, and Americans' right to read and purchase books without fear of Government monitoring. This freedom has been wiped out, it has been erased, it has been undone by the passage of the PATRIOT Act. Congress must repeal this unconstitutional provision. By yesterday's tampering with the important vote to give back freedoms, the majority leadership's abuse of power stepped in

and forced their members to change their votes . . . to deny the majority vote the right to prevail.

The PATRIOT Act forces library users to self-censor their reading choices out of fear. Mr. Speaker, censorship is not what America is about. The existing law would make one believe that by reading a book, the 9/11 terrorists came into existence. The existing law would lead one to believe that books are the enemy. Let us not forget the book burnings in Germany. Books are only the enemy if we do not want our population to be educated.

The majority leadership has spoken. They have prevented a true bi-partisan decision to protect America's right to democracy.

The material previously referred to by Mr. MCGOVERN is as follows:

AMENDMENT TO H. RES. 711 OFFERED BY MR. MCGOVERN

At the end of the resolution add the following:

SEC. 2. During consideration of H.R. 2828, a record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of a vote.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—ayes 216, noes 180, not voting 38, as follows:

[Roll No. 350]

AYES—216

Aderholt	Camp	Forbes	Nethercutt	Shadegg
Akin	Cannon	Franks (AZ)	Neugebauer	Shaw
Bachus	Cantor	Frelinghuysen	Ney	Shays
Baker	Capito	Gallegly	Northup	Sherwood
Ballenger	Carter	Garrett (NJ)	Nunes	Shimkus
Barrett (SC)	Castle	Gibbons	Nussle	Shuster
Bartlett (MD)	Chabot	Gilchrest	Oberstar	Simmons
Barton (TX)	Chocola	Gillmor	Osborne	Simpson
Bass	Coble	Gingrey	Ose	Smith (MI)
Beauprez	Cole	Goode	Otter	Smith (NJ)
Bereuter	Cox	Goodlatte	Oxley	Smith (TX)
Biggert	Crane	Goss	Pearce	Souder
Bilirakis	Crenshaw	Granger	Pence	Stearns
Bishop (UT)	Cubin	Graves	Peterson (PA)	Sullivan
Blackburn	Cunningham	Green (WI)	Petri	Tancred
Blunt	Davis, Jo Ann	Greenwood	Pickering	Taylor (NC)
Boehert	Davis, Tom	Gutknecht	Pombo	Terry
Boehner	DeLay	Hall	Porter	Thomas
Bonilla	DeMint	Harris	Portman	Thornberry
Bonner	Diaz-Balart, L.	Hart	Pryce (OH)	Tiahrt
Bono	Diaz-Balart, M.	Hastert	Putnam	Tiberi
Boozman	Doolittle	Hastings (WA)	Radanovich	Toomey
Bradley (NH)	Dreier	Hayes	Ramstad	Turner (OH)
Brady (TX)	Duncan	Hayworth	Regula	Upton
Brown (SC)	Dunn	Hefley	Rehberg	Vitter
Brown-Waite,	Ehlers	Hensarling	Renzi	Walden (OR)
Ginny	Emerson	Herger	Reynolds	Walsh
Burgess	English	Hobson	Rogers (AL)	Wamp
Burns	Everett	Hoekstra	Rogers (KY)	Weldon (FL)
Burr	Feeney	Hostettler	Rogers (MI)	Weldon (PA)
Burton (IN)	Ferguson	Houghton	Rohrabacher	Weller
Buyer	Flake	Hulshof	Ros-Lehtinen	Whitfield
Calvert	Foley	Hunter	Royce	Wicker
			Ryan (WI)	Wilson (NM)
			Ryun (KS)	Wilson (SC)
			Sabo	Wolf
			Saxton	Young (AK)
			Schrock	Young (FL)
			Sensenbrenner	
			Sessions	

NOES—180

Abercrombie	Grijalva	Miller, George
Alexander	Gutierrez	Mollohan
Allen	Harman	Moore
Andrews	Herseeth	Moran (VA)
Baca	Hill	Murtha
Baird	Hinojosa	Nadler
Baldwin	Hoeffel	Napolitano
Becerra	Holden	Neal (MA)
Berkley	Holt	Obey
Berman	Honda	Oliver
Berry	Hookey (OR)	Ortiz
Bishop (GA)	Hoyer	Owens
Boswell	Inslee	Pallone
Boucher	Israel	Pascarell
Boyd	Jackson (IL)	Pastor
Brady (PA)	Jackson-Lee	Payne
Brown (OH)	(TX)	Pelosi
Capps	Jefferson	Peterson (MN)
Capuano	Johnson, E. B.	Pomeroy
Cardin	Kanjorski	Price (NC)
Carson (OK)	Kaptur	Rahall
Case	Kennedy (RI)	Rangel
Chandler	Kildee	Rodriguez
Clyburn	Kilpatrick	Ross
Conyers	Kind	Rothman
Cooper	Kleczka	Roybal-Allard
Costello	Kucinich	Ruppersberger
Cramer	Lampson	Rush
Crowley	Langevin	Ryan (OH)
Cummings	Lantos	Sanchez, Linda
Davis (AL)	Larsen (WA)	T.
Davis (CA)	Larson (CT)	Sanchez, Loretta
Davis (FL)	Levin	Sanders
Davis (IL)	Lewis (GA)	Sandlin
Davis (TN)	Lofgren	Schakowsky
DeFazio	Lowe	Schiff
DeGette	Lucas (KY)	Scott (GA)
DeLauro	Lynch	Scott (VA)
Deutsch	Maloney	Serrano
Dicks	Markey	Sherman
Dingell	Marshall	Skelton
Doggett	Matheson	Slaughter
Dooley (CA)	Matsui	Smith (WA)
Doyle	McCarthy (MO)	Snyder
Edwards	McCarthy (NY)	Solis
Emanuel	McCollum	Spratt
Engel	McDermott	Stark
Eshoo	McGovern	Stenholm
Etheridge	McIntyre	Strickland
Evans	McNulty	Stupak
Farr	Meehan	Tauscher
Filner	Meek (FL)	Taylor (MS)
Ford	Menendez	Thompson (CA)
Frank (MA)	Michaud	Thompson (MS)
Frost	Millender	Tierney
Gonzalez	McDonald	Towns
Gordon	Miller (NC)	Turner (TX)

Udall (CO)
Udall (NM)
Van Hollen
Velázquez

Visclosky
Waters
Watson
Watt

Weiner
Woolsey
Wu
Wynn

Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hergert
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jackson-Lee
(TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Lynch
Manzullo
Matheson
McCotter
McCrery

McHugh
McInnis
McKeon
Menendez
Mica
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Mushgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)

Van Hollen
Velázquez
Visclosky
Waters
Watson

Watt
Weiner
Woolsey
Wu
Wynn

NOT VOTING—38

Ackerman
Bell
Bishop (NY)
Blumenauer
Brown, Corrine
Cardoza
Carson (IN)
Clay
Collins
Culberson
Deal (GA)
Delahunt
Fattah
Fossella
Gephardt
Gerlach
Green (TX)
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
LaHood
Lee
Lipinski
Majette
Meeks (NY)
Norwood
Paul
Pitts
Platts
Quinn
Reyes
Sweeney
Tanner
Tauzin
Waxman
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1121

Mr. SHUSTER changed his vote from “no” to “aye.”

So the previous question was ordered. The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOSELLA. Mr. Speaker, on rollcall Nos. 349 and 350 I was unavoidably detained. On rollcall No. 349, a motion to adjourn. I would have voted “no.” On rollcall No. 350, ordering the previous question, I would have voted “yes.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 158, not voting 38, as follows:

[Roll No. 351]

AYES—237

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggart
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Costello
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Follinghuysen
Garrett (NJ)
Gibbons
Gilchrist
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris

Abercrombie
Allen
Andrews
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford

NOES—158

Frank (MA)
Frost
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Klecza
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Maloney
Markay
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Michaud

Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascarell
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda
T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)

Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascarell
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda
T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)

NOT VOTING—38

Ackerman
Bell
Bishop (NY)
Blumenauer
Brown, Corrine
Carson (IN)
Clay
Collins
Culberson
Deal (GA)
Delahunt
Fattah
Gephardt
Gerlach
Green (TX)
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
LaHood
Lee
Lipinski
Majette
Marshall
Meeks (NY)
Norwood
Paul
Pitts
Platts
Quinn
Reyes
Simmons
Sweeney
Tanner
Tauzin
Waxman
Wexler

□ 1129

So the resolution was agreed to. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

Mr. MCGOVERN. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

Mr. WICKER. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX and the Chair's previous announcement, this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 181, answered “present” 1, not voting 41, as follows:

[Roll No. 352]

AYES—210

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggart
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrist
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)

Greenwood
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McDermott
McHugh

NOES—181

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner

Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hookey (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty

Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancred
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

Meehan
Meek (FL)
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Sanderlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis

Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)

ANSWERED “PRESENT”—1

Cardoza
Green (TX)
Gutknecht
Hart
Hastings (FL)
Hinchey
Hunter
Isakson
Jenkins
John
Jones (OH)
LaHood
Lee
Lipinski
Lofgren

Ackerman
Bell
Bishop (NY)
Blumenauer
Boozman
Carson (IN)
Clay
Collins
Culberson
Deal (GA)
Delahunt
Fattah
Gephardt
Gerlach

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised two minutes are left in this vote.

□ 1138

So the motion to table was agreed to.
The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. MCGOVERN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.
The vote was taken by electronic device, and there were—ayes 41, noes 353, not voting 39, as follows:

[Roll No. 353]

AYES—41

Abercrombie
Allen
Baldwin
Bishop (GA)
Capuano
Clay
Conyers
Crowley
Dingell
Filner
Ford
Grijalva
Gutierrez
Jackson-Lee
(TX)

NOES—353

Aderholt
Akin
Alexander
Andrews
Baca
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass

Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky

Majette
Meeks (NY)
Norwood
Paul
Pitts
Platts
Quinn
Reyes
Souder
Sweeney
Tausin
Waxman
Wexler

Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes

Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hookey (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klecza
Kline
Knollenberg
Kolbe
Kucinich
Ryan (OH)
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney

Northup
Nunes
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pommo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sanderlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Tancred
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)

Udall (CO)	Wamp	Wilson (NM)
Udall (NM)	Watt	Wilson (SC)
Upton	Weiner	Wolf
Van Hollen	Weldon (FL)	Wu
Visclosky	Weldon (PA)	Wynn
Vitter	Weller	Young (AK)
Walden (OR)	Whitfield	Young (FL)
Walsh	Wicker	

NOT VOTING—39

Ackerman	Gephardt	Majette
Bachus	Gerlach	McCrery
Bell	Green (TX)	Meeks (NY)
Bishop (NY)	Gutknecht	Norwood
Blumenauer	Hastings (FL)	Paul
Camp	Hinche	Pitts
Carson (IN)	Isakson	Platts
Collins	John	Quinn
Culberson	Johnson (CT)	Reyes
Deal (GA)	Jones (OH)	Sweeney
Delahunt	LaHood	Tauzin
Diaz-Balart, L.	Lee	Waxman
Fattah	Lipinski	Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded to record their votes.

□ 1154

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT ACT

Mr. CALVERT. Mr. Speaker, pursuant to House Resolution 711, I call up the bill (H.R. 2828), to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 711, the bill is considered read for amendment.

The text of H.R. 2828 is as follows:

H.R. 2828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Water Supply, Reliability, and Environmental Improvement Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Purposes.

TITLE I—DEPARTMENT OF INTERIOR, COMPETITIVE GRANT PROGRAM

- Sec. 101. General authority.
- Sec. 102. Authority to study, plan, design, and construct.
- Sec. 103. Criteria for grants.
- Sec. 104. Annual report.
- Sec. 105. Authorization of appropriations.
- Sec. 106. Limitation on eligibility for funding.

TITLE II—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT ACT

- Sec. 201. CALFED Bay-Delta Program.
- Sec. 202. Management.
- Sec. 203. Implementation schedule report.
- Sec. 204. Authorization of appropriations.

- Sec. 205. Federal share of costs.
- Sec. 206. Use of existing authorities and funds.
- Sec. 207. Compliance with State and Federal law.

TITLE III—SALTON SEA

- Sec. 301. Funding to address Salton Sea.

TITLE IV—ESTABLISHMENT OF CENTRALIZED REGULATORY OFFICE

- Sec. 401. Establishment of office.
- Sec. 402. Acceptance and expenditure of contributions.

TITLE V—RURAL WATER SUPPLY PROGRAM

- Sec. 501. Rural water supply program.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) BAY-DELTA SOLUTION AREA.—The term “Bay-Delta solution area” means the Bay-Delta watershed and the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, California, and the areas in which diverted/exported water is used.

(2) BAY-DELTA WATERSHED.—The term “Bay-Delta watershed” means the Sacramento River-San Joaquin River Delta, and the rivers and watersheds that are tributary to that delta.

(3) CALFED BAY-DELTA PROGRAM.—The term “CALFED Bay-Delta Program” means the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State and Federal agencies in a manner consistent with the Objectives and Solution Principles of the CALFED Bay-Delta Program as stated in the Record of Decision.

(4) CONGRESSIONAL AUTHORIZING COMMITTEES.—The term “congressional authorizing committees” means the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(5) COMMISSIONER.—The term “commissioner” means the Commissioner of the Bureau of Reclamation.

(6) ENVIRONMENTAL WATER ACCOUNT.—The term “Environmental Water Account” means the water account established by the Federal agencies and State agencies pursuant to the Record of Decision to reduce incidental take and provide a mechanism for recovery of species.

(7) FEDERAL AGENCIES.—The term “Federal agencies” means the Federal agencies that are signatories to Attachment 3 of the Record of Decision.

(8) GOVERNOR.—The term “Governor” means the Governor of the State of California.

(9) IMPLEMENTATION MEMORANDUM.—The term “Implementation Memorandum” means the Calfed Bay-Delta Program Implementation Memorandum of Understanding dated August 28, 2000, executed by the Federal agencies and the State agencies, as such record of decision may be adapted or modified by the Secretary in accordance with applicable law.

(10) RECLAMATION STATES.—The term “Reclamation States” means the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wyoming, and Texas.

(11) RECORD OF DECISION.—The term “Record of Decision” means the Federal programmatic Record of Decision dated August 28, 2000, issued by the Federal agencies and supported by the State.

(12) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(13) STATE.—The term “State” means the State of California.

(14) STATE AGENCIES.—The term “State agencies” means the California State agencies that are signatories to Attachment 3 of the Record of Decision.

(15) WATER RESOURCE AGENCIES.—The term “Water resource agencies” means the Federal agencies that are signatories to Attachment 3 of the Record of Decision.

(16) WATER SUPPLY.—The term “water supply” means a quantity of water that is developed or derived from—

- (A) increased water yield;
- (B) recycling existing sources;
- (C) desalination of seawater or brackish water;
- (D) surface or ground water storage;
- (E) conservation; or
- (F) other actions or water management

tools that improve the availability and reliability of water supplies for beneficial uses in all water year types, including critically dry years.

(17) WATER YIELD.—The term “water yield” means a new quantity of water in storage that is reliably available in critically dry years for beneficial uses.

SEC. 4. PURPOSES.

The purposes of this Act are as follows:

(1) To enhance and improve water supply, water yield, and water reliability coordinated through the Secretary, in cooperation, and consultation with Water Resource Agencies.

(2) To foster and promote the development of supplemental and new water supplies, coordinated through the Secretary, in consultation and coordination with the Water Resource Agencies, through water reuse and salinity management.

(3) To establish a competitive, performance-based program, coordinated through the Secretary, in consultation and coordination with the Water Resource Agencies, to provide financial incentives to entities to develop demonstration projects designed to treat seawater and brackish water, wastewater and impaired ground water.

(4) To establish an office, in any Reclamation State requesting such an office, for the use of all Federal and State agencies that will be involved in issuing permits and conducting environmental reviews for water supply, water supply capital improvement projects, levee maintenance, and delivery systems in any Reclamation State requesting such an office.

(5) To provide assistance to States, municipalities, other local governmental agencies (including soil and water conservation districts) and investor-owned utilities that provide municipal water supply service pursuant to State law in the design and construction of projects to desalinate seawater and put to beneficial use impaired ground water and brackish water.

(6) To implement and abide by the 4 primary objectives and solution principles set forth in the CALFED Bay-Delta Program. To authorize funding and coordinate sustained funding sources, through the Secretary, for the implementation of a comprehensive program to achieve increased water yield and water supply, improved water quality, and enhanced environmental benefits as well as improved water system reliability, water use efficiency, watershed management, water transfers, and levee protection.

(7) To implement other related provisions to improve water supply and yield.

TITLE I—DEPARTMENT OF INTERIOR, COMPETITIVE GRANT PROGRAM

SEC. 101. GENERAL AUTHORITY.

(a) ESTABLISHMENT OF A WATER RESOURCES COORDINATION OFFICE.—There shall be established within the Office of the Secretary the

Office of the Federal Water Resources Coordinator (referred to in this title as the "Coordinator") who shall be responsible for coordinating the Water Resource Agencies activities addressing water desalination (including sea and brackish water), impaired ground water, brine removal, and water reuse projects and activities authorized under this title.

(b) **SECRETARIAL RESPONSIBILITY.**—The Secretary, through the Coordinator, shall carry out the responsibilities, as specifically identified as a responsibility of the Coordinator under this title, and may not delegate these responsibilities to the Water Resource Agencies. The Coordinator at its sole option may use the services of the Water Resource Agencies on any project deemed necessary.

(c) **ASSESSMENT OF EXISTING FEDERAL AUTHORITIES.**—The Secretary, through the Coordinator and in consultation with the Water Resource agencies, shall develop and transmit to Congress no later than 60 days after enactment of this Act, an assessment report that identifies the following:

(1) A list of authorities, including mandatory and discretionary trust funds, other than those under this title, to undertake activities under section 102.

(2) A list of all Water Resource Agencies expenditures since fiscal year 1998 undertaken for projects and activities related to this title.

(3) A plan of Water Resource Agencies coordination to meet the criteria, and guidelines as determined under this title.

(4) A detailed/coordinated Water Resource Agencies budget review document, including outyears funding requirements.

(5) Recommendations for alternative financing mechanisms.

(d) **ESTABLISHMENT OF GUIDELINES FOR ACTIVITIES UNDERTAKEN BY THE COORDINATOR.**—

(1) **RULES AND GUIDELINES.**—In carrying out activities under this title the Secretary, acting through the Coordinator, in coordination with the Water Resource Agencies, shall issue rules and guidelines for the submission of selection, solicitation, and timelines of eligible projects and activities seeking grants assistance to analyze, plan, develop and construct, including but not limited to, the following:

(A) Sea and brackish water desalination projects, including analysis and technology development, reclamation of wastewater, and impaired ground and surface waters.

(B) Brine management and disposal, including analysis and technology development. Such analysis shall include, but not be limited to, the effects of concentrate disposal and possible mitigation measures.

(C) Water reuse, including, but not limited to, techniques for cleanup and treatment of ground water contamination, especially ground water basins that are the primary source of drinking water supplies.

(2) **EQUITABLE SELECTION.**—The Secretary shall ensure the rules and guidelines provide for the equitable selection, to the maximum extent practicable, of projects and distribution of grants among the eligible activities identified under this section.

(3) **TIMEFRAME.**—Such rules and guidelines shall be issued not later than 90 days after the date of the enactment of this Act.

(e) **AGENCY PARTICIPATION.**—The Coordinator, in consultation with the Water Resource Agencies, shall—

(1) determine available and appropriate accounts, both mandatory and permanent, including Federal trust funds; and

(2) direct the Federal agency heads to spend authorized funds, if available within their agency, based on their proportional Federal interest.

SEC. 102. AUTHORITY TO STUDY, PLAN, DESIGN, AND CONSTRUCT.

(a) **IN GENERAL.**—The Secretary, through the Coordinator, in cooperation and consultation with the Water Resource Agencies, shall undertake a competitive grant program—

(1) to investigate and identify opportunities for the study, plan, and design of activities under this title; and

(2) to construct demonstration and permanent facilities, or the implementation of other programs and activities, to meet the criteria under this title.

(b) **CONDITIONS.**—No grant may be made under this title for the design and construction of any project until after—

(1) an appraisal investigation and a feasibility study (which may be performed, if applicable, by the non-Federal sponsor and submitted to the Secretary, through the Coordinator, for review) have been completed and approved by the Secretary, through the Coordinator;

(2) the Secretary, through the Coordinator, has determined that, if applicable, the non-Federal project sponsor has the financial resources available to fund the non-Federal share of the project's costs; and

(3) the Secretary, through the Coordinator, has approved, if applicable, a cost-sharing agreement with the non-Federal project sponsor that commits the non-Federal project sponsor to funding its share of the project's construction costs on an annual basis, and ongoing operations and maintenance.

SEC. 103. CRITERIA FOR GRANTS.

In making grants pursuant to this title, the Secretary, acting through the Coordinator shall give priority to those projects which meet at least one of the following criteria:

(1) The requirements of the Secretary, as applicable, and any applicable State requirements.

(2) Is agreed to by the Federal and non-Federal entities with authority and responsibility for the project.

(3) Increase water supply yield.

(4) Improve water use efficiency and water conservation.

(5) Reduce or stabilize demand on existing Federal and State water supply facilities.

(6) Improve water quality.

(7) Employ innovative approaches, including but not limited to, ground water recharge.

(8) Facilitate the transfer and adoption of technology.

(9) Employ regional solutions that increase the availability of locally and regionally developed water supplies.

(10) Remediate a contaminated ground water basin.

(11) Provide a secure source of new water supplies for national defense activities.

(12) Reduce the threat of a water supply disruption as a result of a natural disaster or acts of terrorism.

(13) Help Water Resource Agencies meet existing legal requirements, contractual water supply obligations, Indian trust responsibilities, water rights settlements, water quality control plans and department of health requirements, Federal and State environmental laws, the Federal Water Pollution Control Act, or other obligations.

(14) Promote and applies a regional or watershed approach to water resource management or cross-boundary issues, implements an integrated resources management approach, increases water management flexibility, or forms a partnership with other entities.

(15) Improve health and safety of the general public.

(16) Provide benefits outside the region in which the project occurs.

(17) Provide benefits to the agricultural community.

SEC. 104. ANNUAL REPORT.

The Secretary shall provide the Congress an annual report that includes the following:

(1) A list of projects, and project details, amount of past, current, and projected funding.

(2) Documentation of the accounts within the Water Resource Agencies funding.

(3) The benefits gained by projects, and to which beneficiaries and users, funded under this title.

(4) An assessment of how the project met each of the evaluation criteria under this title.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) **ACTIVITIES AND PROJECTS UNDER THIS TITLE.**—

(1) **DETERMINATION OF WATER RESOURCES AGENCY PARTICIPATION.**—If existing authorities are not available to carry out activities addressed under this title, the Coordinator, in consultation with the Water Resource agencies, shall make the determination of Federal participation and Federal agency cost share.

(2) **FUNDING.**—Subject to section 105(a)(1) and section 105(b), there are authorized to be appropriated—

(A) \$50,000,000 for fiscal year 2004; and

(B) \$100,000,000 for each fiscal year thereafter.

(b) **LIMITATIONS ON GRANTS.**—

(1) **LOCATION OF PROJECT.**—Grants carried out by the Secretary, through the Coordinator, may be carried out through the 50 States.

(2) **PER STATE LIMIT.**—Except as provided in under this section, of the amount available in a fiscal year for grants under this title, not more than 30 percent may be used for projects in a single State.

(c) **COST SHARING.**—Except as provided under this section, and notwithstanding any other provision of this title. Grants for projects receiving Federal assistance under this title shall not exceed the lesser of \$50,000,000 (indexed annually for inflation) or 35 percent of the total cost of the project.

SEC. 106. LIMITATION ON ELIGIBILITY FOR FUNDING.

A project that receives funds under this Act shall be ineligible to receive Federal funds from any other source for the same purpose unless such funds are provided to ensure compliance with a Federal mandate.

TITLE II—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT ACT

SEC. 201. CALFED BAY-DELTA PROGRAM.

(a) **FINDINGS.**—Congress finds as follows:

(1) The mission of the CALFED Bay-Delta Program is to develop and implement a long-term comprehensive plan that will increase water supply and yield, improve water management, and restore the ecological health of the Bay-Delta solution area.

(2) The CALFED Bay-Delta Program was developed as a joint Federal-State program to deal effectively with the multijurisdictional issues involved in managing the Bay-Delta Watershed.

(b) **IN GENERAL.**—

(1) **AUTHORIZATION.**—The Federal agencies, in consultation with State agencies, are authorized to participate in the CALFED Bay-Delta Program, in accordance with this title, and consistent with the Objectives and Solution Principles set forth in the Record of Decision.

(2) **GOALS.**—The goals of the CALFED Bay-Delta Program shall consist of components that include water supply and yield, ecosystem restoration, water supply reliability,

conveyance, water use efficiency, water quality, water transfers, watersheds, Environmental Water Account, levee stability, and science.

(3) **BALANCE.**—CALFED Bay-Delta Program activities consisting of protecting water quality, including but not limited to, drinking water quality, restoring ecological health, improving water supply reliability, including additional water supply and water yield and conveyance, and protecting levees in the Bay-Delta watershed, shall progress in a balanced manner.

(c) **ADMINISTRATION OF ACTIVITIES.**—

(1) **IN GENERAL.**—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in this title, subject to the cost-share and other provisions of this title, if the activity—

(A) has been subject to environmental review and approval as required under applicable Federal and State law; and

(B) has been approved and certified by the Secretary to be consistent with the Objectives and Solution Principles of the CALFED Bay-Delta Program as stated in Record of Decision.

(2) **MULTIPLE BENEFIT PROJECTS FAVORED.**—The Secretary and Federal agencies are authorized to carry out the activities set forth in this title. In selecting projects and programs for increasing water yield and water supply, improving water quality, and enhancing environmental benefits, projects and programs with multiple benefits shall be emphasized.

(3) **ELEMENTS REGULATED.**—To the extent that CALFED Bay-Delta Program projects and elements are subject to regulation under section 404 of the Clean Water Act, the United States Army Corps of Engineers and the United States Environmental Protection Agency shall not consider, as alternatives to projects that are elements of the overall CALFED Bay-Delta Program, programs, projects, or actions beyond those described in the Record of Decision, nor shall they favor one CALFED Bay-Delta Program project or element over another.

(4) **BALANCE.**—The Secretary shall ensure that all elements of the CALFED Bay-Delta Program need to be completed and operated cooperatively to maintain the balanced progress in all CALFED Bay-Delta Program areas.

(d) **PROGRAM ACTIVITIES.**—

(1) **WATER STORAGE.**—Except as provided by section 207(b), the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$102,000,000 may be expended for the following:

(A) **WATER STORAGE SUPPLY AND YIELD.**—For purposes of implementing the CALFED Bay-Delta Program, the Secretary is authorized to undertake all necessary planning activities and feasibility studies required for the development of recommendations by the Secretary to Congress on the construction and implementation of specific water supply and yield, ground water management, and ground water storage projects and implementation of comprehensive water management planning. The requirements of section 9(a) of the Act of August 4, 1939 (43 U.S.C. 485h(a); 53 Stat. 1193) shall be deemed to be met through the performance of a feasibility study as authorized within this section as well as those feasibility studies authorized under the Consolidated Appropriations Resolution Fiscal Year 2003, Public Law 108-7, House Report 108-10, division D, title II, section 215.

(B) **FEASIBILITY STUDIES.**—All feasibility studies completed for storage projects as a result of this section shall include identification of project benefits and beneficiaries and a cost allocation plan consistent with the benefits to be received, for both governmental and non-governmental entities.

(C) **DISAPPROVAL RESOLUTION.**—If the Secretary determines a project to be feasible, and meets the requirements under subparagraph (B), the report shall be submitted to Congress. If Congress does not pass a disapproval resolution of the feasibility study during the first 120 days before Congress (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) the project shall be authorized, subject to appropriations.

(D) **WATER SUPPLY AND WATER YIELD STUDY.**—(i) The Secretary, acting through the Bureau of Reclamation and in consultation with the State, shall conduct a study of available water supplies and water yield and existing demand and future needs for water—

(I) within the units of the Central Valley Project;

(II) within the area served by Central Valley Project agricultural water service contractors and municipal and industrial water service contractors; and

(III) within the Bay-Delta solution area.

(ii) **RELATIONSHIP TO PRIOR STUDY.**—The study under clause (i) shall incorporate and revise as necessary the study required by section 3408(j) of the Central Valley Project Improvement Act of 1992 (Public Law 102-575).

(E) **REPORT.**—The Secretary shall submit a report to the congressional authorizing committees by not later than 180 days after the date of the enactment of this title describing the following:

(i) Water yield and water supply improvements, if any, for Central Valley Project agricultural water service contractors and municipal and industrial water service contractors.

(ii) All water management actions or projects that would improve water yield or water supply and that, if taken or constructed, would balance available water supplies and existing demand for those contractors and other water users of the Bay-Delta watershed with due recognition of water right priorities and environmental needs.

(iii) The financial costs of the actions and projects described under clause (ii).

(iv) The beneficiaries of those actions and projects and an assessment of their willingness to pay the capital costs and operation and maintenance costs thereof.

(F) **OTHER ACTIVITIES.**—Studying, developing and implementing ground water management and ground water storage projects (not to exceed \$50,000,000); and

(G) **PLANNING.**—Comprehensive water management planning (not to exceed \$6,000,000).

(2) **CONVEYANCE.**—Except as provided by section 207(b), the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$77,000,000 may be expended for the following:

(A) South Delta Actions (not to exceed \$45,000,000);

(i) South Delta Improvements Program for the following:

(I) To increase the State Water Project export limit to 8500 cfs, subject to subclause (VI).

(II) To install permanent, operable barriers in the south Delta. The Federal Agencies shall cooperate with the State to accelerate installation of the permanent, operable barriers in the south Delta, with the intent to complete that installation not later than the end of fiscal year 2006.

(III) To design and construct fish screens and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities.

(IV) To increase the State Water Project export to the maximum capability of 10,300 cfs.

(ii) Reduction of agricultural drainage in south Delta channels and other actions necessary to minimize impacts of such drainage on water quality, including but not limited to, design and construction of the relocation of drinking water intake facilities to delta water users. The Secretary shall coordinate actions for relocating intake facilities on a time schedule consistent with subclause (i)(II).

(iii) Design and construction of lower San Joaquin River floodway improvements.

(iv) Installation and operation of temporary barriers in the south Delta until fully operable barriers are constructed.

(v) Actions to protect navigation and local diversions not adequately protected by the temporary barriers.

(vi) Actions to increase pumping shall be accomplished in a manner consistent with California law protecting:

(I) deliveries to, costs of, and water suppliers and water users, including but not limited to, agricultural users, that have historically relied on water diverted from the Delta; and

(II) the quality of water for existing municipal, industrial, and agricultural uses.

(vi) Actions at Franks Tract to improve water quality in the Delta.

(B) North Delta Actions (not to exceed \$12,000,000):

(i) Evaluation and implementation of improved operational procedures for the Delta Cross Channel to address fishery and water quality concerns.

(ii) Evaluation of a screened through-Delta facility on the Sacramento River.

(iii) Design and construction of lower Mokelumne River floodway improvements.

(C) Interties (not to exceed \$10,000,000):

(i) Evaluation and construction of an intertie between the State Water Project and the Central Valley Project facilities at or near the City of Tracy.

(ii) Assessment of the connection of the Central Valley Project to the State Water Project's Clifton Court Forebay with a corresponding increase in the Forebay's screened intake.

(D) Evaluation and implementation of the San Luis Reservoir lowpoint improvement project (not to exceed \$10,000,000).

(3) **WATER USE EFFICIENCY.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$153,000,000 may be expended for the following:

(A) Water conservation projects that provide water supply reliability, water quality, and ecosystem benefits to the Bay-Delta solution area (not to exceed \$61,000,000).

(B) Technical assistance for urban and agricultural water conservation projects (not to exceed \$5,000,000).

(C) Water recycling and desalination projects, including but not limited to projects identified in the Bay Area Water Recycling Plan and the Southern California Comprehensive Water Reclamation and Reuse Study (not to exceed \$84,000,000), as follows:

(i) In providing financial assistance under this clause, the Secretary shall give priority consideration to projects that include regional solutions to benefit regional water supply and reliability needs.

(ii) The Secretary shall review any feasibility level studies for seawater desalination and regional brine line projects that have been completed, whether or not those studies were prepared with financial assistance from the Secretary.

(iii) The Secretary shall report to the Congress within 90 days after the completion of

a feasibility study or the review of a feasibility study for the purposes of providing design and construction assistance for the construction of desalination and regional brine line projects.

(iv) The Federal share of the cost of any activity carried out with assistance under this clause may not exceed the lesser of 35 percent of the total cost of the activity or \$50,000,000.

(D) Water measurement and transfer actions (not to exceed \$1,500,000).

(E) Certification of implementation of best management practices for urban water conservation (not to exceed \$1,500,000).

(4) WATER TRANSFERS.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$3,000,000 may be expended for the following:

(A) Increasing the availability of existing facilities for water transfers.

(B) Lowering transaction costs through permit streamlining.

(C) Maintaining a water transfer information clearinghouse.

(5) ENVIRONMENTAL WATER ACCOUNT.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$75,000,000 may be expended for implementation of the Environmental Water Account.

(6) INTEGRATED REGIONAL WATER MANAGEMENT PLANS.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$95,000,000 may be expended for the following:

(A) Establishing a competitive grants program to assist local and regional communities in California in developing and implementing integrated regional water management plans to carry out the Objectives and Solution Principles of the CALFED Bay-Delta Program as stated in the Record of Decision.

(B) Implementation of projects and programs in California that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, that are consistent with, and make a significant contribution to, Stage 1 of the CALFED Bay-Delta Program.

(7) ECOSYSTEM RESTORATION.—(A) Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this title, no more than \$100,000,000 may be expended for projects under this subsection.

(B) The Secretary is authorized to undertake the following projects under this paragraph:

(i) Restoration of habitat in the San Francisco Bay-Delta watershed, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetlands and riparian habitat.

(ii) Fish screen and fish passage improvement projects.

(iii) Implementation of an invasive species program, including prevention, control, and eradication.

(iv) Development and integration of State and Federal agricultural programs that benefit wildlife into the Ecosystem Restoration Program.

(v) Financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities.

(vi) Water quality improvement projects to manage salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants.

(vii) Land and water acquisitions to improve habitat and fish spawning and survival in the Bay-Delta watershed.

(viii) Integrated flood management and levee protection projects for improving ecosystem restoration.

(ix) Scientific evaluations and targeted research on program activities, including appropriate use of adaptive management concepts.

(x) Preparation of management plans for all properties acquired, and update current management plans, prior to the purchase or any contribution to the purchase of any interest in land for ecosystem.

(xi) Strategic planning and tracking of program performance using established protocols and/or bio-indicators.

(C) Project Initiation Report for each project, describing project purpose, objective, and cost, shall be transmitted to Congress following Secretarial certification, 30 days (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) prior to implementing ecosystem restoration actions as described under this paragraph. Such reports shall be required for all ecosystem projects, (including comprehensive projects that are composed of several components and are to be completed by staged implementation) exceeding \$20,000 in Federal funds. Annual ecosystem restoration project summary reports shall be submitted to Congress through the Secretary highlighting progress of the project implementation. The reports required to be submitted under this paragraph shall consider the following on each project:

(i) A description of ecological monitoring data to be collected for the restoration projects and how the data are to be integrated, streamlined, compatible, and designed to measure overall trends of ecosystem health in the Bay-Delta watershed.

(ii) Whether the restoration project has integrated monitoring plans and descriptions of protocols, or bio-indicators, to be used for gauging cost-effective performance of the project.

(iii) Whether the proposed project is a part of a larger, more comprehensive restoration project in a particular part of the solution area, and if so, how the proposed project contributes to the larger project.

(iv) A secretarial determination, or strategy, that utilizes existing Federal land, State land, or other land acquired for ecosystem restoration, with amounts provided by the United States or the State, to the extent that such lands are available within the CALFED solution area.

(v) A determination of the potential cumulative impacts, or induced damages of fee title, easement, and/or lease acquisition of land on local and regional economies, and adjacent land and landowners; and a description of how such impacts will be mitigated.

(vi) A description of actions that will be taken to mitigate any induced damages from the conversion of agriculture land including the degree to which wildlife and habitat values will increase due to the land conversion.

(D) Conditions, if applicable, for projects and activities under this paragraph are as follows:

(i) A requirement that before obligating or expending Federal funds to acquire land, the Secretary shall first determine that existing Federal land, State land, or other land acquired for ecosystem restoration with amounts provided by the United States or the State, to the extent such lands are available, is not available for that purpose. If no public land is available the Secretary, prior to any federal expenditure for private land acquisition, shall—

(I) make an accounting of all habitat types located on publicly owned land throughout the solution area;

(II) not convert prime farm land and unique farm land, to the maximum extent as practicable, as identified by local, State, or

Federal land use inventories, including the Natural Resources Conservation Service;

(III) not conflict with existing zoning for agriculture use; and

(IV) not involve other changes in existing environment due to location and nature of converting farmland to non-farmland use.

(ii) A requirement that in determining whether to acquire private land for ecosystem restoration, the Secretary shall—

(I) conduct appropriate analysis, including cost valuation to assure that private land acquisitions prioritize easements and leases over acquisition by fee title unless easements and leases are unavailable or unsuitable for the stated purposes;

(II) consider the potential cumulative impacts on the local and regional economies of transferring the property into government ownership and—

(aa) describe the actions that will be taken, to the maximum extent practicable, to mitigate any induced damages; and

(bb) determine that the land acquired will add increasing value to the purposes of ecosystem restoration;

(III) mitigate any potential induced damage, to the maximum extent practicable, of any conversion of agriculture land for ecosystem restoration due to the implementation of the CALFED Bay-Delta Program; and

(IV) partner with landowners and local agencies to develop cooperating landowner commitments that are likely to meet co-equal objectives of achieving local economic and social goals and implementing the ecosystem restoration goals.

(8) WATERSHEDS.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$50,000,000 may be expended for the following:

(A) Building local capacity to assess and manage watersheds affecting the Bay-Delta solution area.

(B) Technical assistance for watershed assessments and management plans.

(C) Developing and implementing locally-based watershed conservation, maintenance, and restoration actions.

(9) WATER QUALITY.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$50,000,000 may be expended for the following:

(A) Addressing drainage problems in the San Joaquin Valley to improve downstream water quality, including habitat restoration projects that reduce drainage and improve water quality, provided that—

(i) a plan is in place for monitoring downstream water quality improvements;

(ii) State and local agencies are consulted on the activities to be funded; and

(iii) this clause is not intended to create any right, benefit, or privilege.

(B) Implementing source control programs in the Bay-Delta watershed.

(C) Developing recommendations through technical panels and advisory council processes to meet the CALFED Bay-Delta Program goal of continuous improvement in water quality for all uses.

(D) Investing in treatment technology demonstration projects.

(E) Controlling runoff into the California aqueduct and other similar conveyances.

(F) Addressing water quality problems at the North Bay Aqueduct.

(G) Studying recirculation of export water to reduce salinity and improve dissolved oxygen in the San Joaquin River.

(H) Projects that may meet the Objectives and Solution Principles of the water quality component of CALFED Bay-Delta Program.

(I) Development of water quality exchanges and other programs to make high quality water available to urban areas.

(J) Development and implementation of a plan to meet all existing water quality standards for which the State and Federal water projects have responsibility.

(10) **LEEVE STABILITY.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$70,000,000 may be expended for the following:

(A) Assisting local reclamation districts in reconstructing Delta levees to a base level of protection not to exceed \$20,000,000.

(B) Enhancing the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects program not to exceed \$20,000,000.

(C) Developing best management practices to control and reverse land subsidence on islands in the Bay-Delta watershed (not to exceed \$1,000,000).

(D) Refining the Delta Emergency Management Plan (not to exceed \$1,000,000).

(E) Developing a Delta Risk Management Strategy after assessing the consequences of failure levees in the Bay-Delta watershed from floods, seepage, subsidence, and earthquakes (not to exceed \$500,000).

(F) Developing a strategy for reuse of dredged materials on islands in the Bay-Delta watershed (not to exceed \$1,500,000).

(G) Evaluating and, where appropriate, rehabilitating the Suisun Marsh levees (not to exceed \$6,000,000).

(H) Integrated flood management, ecosystem restoration, and levee protection projects, including design and construction of lower San Joaquin River and lower Mokelumne River floodway improvements and other projects under the Sacramento-San Joaquin Comprehensive Study (not to exceed \$20,000,000).

(11) **MONITORING AND ANALYSIS.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$50,000,000 may be expended for the following:

(A) Establishing and maintaining an independent technical board, technical panels, and standing boards to provide oversight and peer review of the CALFED Bay-Delta Program.

(B) Conducting expert evaluations and scientific assessments of all CALFED Bay-Delta Program elements.

(C) Coordinating existing monitoring and scientific research programs.

(D) Developing and implementing adaptive management experiments to test, refine, and improve technical understandings.

(E) Establishing performance measures and monitoring and valuating the performance of all CALFED Bay-Delta Program elements.

(F) Preparing an annual science report.

(12) **PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$25,000,000 may be expended by the Secretary, in cooperation with the State, for the following:

(A) CALFED Bay-Delta Program-wide tracking of schedules, finances, and performance.

(B) Multi-agency oversight and coordination of CALFED Bay-Delta Program activities to ensure program balance and integration.

(C) Development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision.

(D) Coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities under the Federal Advisory Committee Act.

(E) Development of annual reports.

(13) **DIVERSIFICATION OF WATER SUPPLIES.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$30,000,000 may be expended to diversify sources of level 2 refuge supplies and modes of delivery to refuges and to acquire additional water for level 4 refuge supplies.

(e) **AUTHORIZED ACTIONS.**—The Secretary and the Federal agency heads are authorized to carry out the activities authorized by this title through the use of grants, loans, contracts, and cooperative agreements with Federal and non-Federal entities where the Secretary or Federal agency head determines that the grant, loan, contract, or cooperative agreement is likely to assist in implementing the authorized activity in an efficient, timely, and cost-effective manner.

SEC. 202. MANAGEMENT.

(a) **COORDINATION.**—In carrying out the CALFED Bay-Delta Program, the Federal agencies shall coordinate, to the maximum extent practicable, their activities with the State agencies.

(b) **PUBLIC PARTICIPATION.**—In carrying out the CALFED Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through a federally chartered advisory committee or other appropriate means, to seek input on program elements such as planning, design, technical assistance, and development of peer review science programs.

(c) **OBJECTIVE REVIEW AND ANALYSIS.**—In carrying out the CALFED Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the CALFED Bay-Delta Program are subjected to credible and objective scientific review and economic analysis; and

(2) major decisions are based upon the best available scientific information.

(d) **AGENCIES' DISCRETION.**—This Act shall not affect the discretion of any of the Federal agencies or the State agencies or the authority granted to any of the Federal agencies or State agencies by any other Federal or State law.

(e) **STATUS REPORTS.**—The Secretary shall report, quarterly to the Congressional Committees, on the progress in achieving the water supply targets as described in Section 2.2.4 of the Record of Decision, the environmental water account requirements as described in Section 2.2.7, and the water quality targets as described in Section 2.2.9, and any pending actions that may affect the ability of the CALFED Bay-Delta Program to achieve those targets and requirements.

SEC. 203. IMPLEMENTATION SCHEDULE REPORT.

(a) The Secretary, in cooperation with the Governor, shall submit a report of the CALFED Bay-Delta Program not later than 90 days after the date of the enactment of this Act and December 15 of each year thereafter to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives that describes the status and projected implementation schedule of all components through fiscal year 2008 of the CALFED Bay-Delta Program. The Report shall contain the following:

(1) **STATEMENT OF BALANCE.**—The report shall identify the progress in each of the categories listed in paragraph (2). The Secretary, in cooperation with the Governor, shall prepare and certify a statement of whether the program is in balance taking into consideration the following:

(A) The status of all actions, including goals, schedules, and financing agreements and funding commitments.

(B) Progress on storage projects, including yield, conveyance improvements, levee im-

provements, water quality projects, and water use efficiency programs and reasons for any delays.

(C) Completion of key projects and milestones identified in the Ecosystem Restoration Program.

(D) Development and implementation of local programs for watershed conservation and restoration.

(E) Progress in improving water supply reliability and implementing the Environmental Water Account.

(F) Achievement of commitments under State and Federal endangered species laws.

(G) Implementation of a comprehensive science program.

(H) Progress toward acquisition of the State and Federal permits, including permits issued under section 404(a) of the Clean Water Act, for implementation of projects in all identified program areas.

(I) Progress in achieving benefits in all geographic regions covered by the CALFED Bay-Delta Program.

(J) Status of actions that compliment the Record of Decision.

(K) Status of mitigation measures addressed under section 201(d)(7).

(L) Revisions to funding commitments and CALFED Bay-Delta Program responsibilities.

(2) Accomplishments in the past fiscal year and year-to-date in achieving the objectives of—

(A) additional and improved water storage; including supply and yield;

(B) water quality;

(C) water use efficiency;

(D) ecosystem restoration;

(E) watershed management;

(F) levee system integrity;

(G) water transfers;

(H) water conveyance; and

(I) water supply reliability.

(3) **REVISED SCHEDULE.**—If the report and statement of balance under subsection (a) concludes that the CALFED Bay-Delta Program is not progressing in a balanced manner so that no certification of balanced implementation can be made, the Secretary, in consultation with the Governor, shall prepare a revised schedule to ensure that the CALFED Bay-Delta Program is likely to progress in a balanced manner consistent with the objectives and solution principles of the Record of Decision and in consideration of subsections (a) and (b) of this section. This revised schedule shall be subject to approval by the Secretary, in consultation with the Governor, and upon such approval shall be submitted to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives.

(b) **CROSSCUT BUDGET AND AUTHORIZATION OF APPROPRIATIONS.**—

(1) **CROSSCUT BUDGET.**—The President's Budget shall include the appropriate departmental and agency authorities, and request for the level of funding for each of the Federal agencies to carry out its responsibilities under the CALFED Bay-Delta Program. Such funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of such funds. No later than 30 days after submission of the President's Budget to the Congress, the Director of the Office of Management and Budget shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives an updated interagency budget crosscut report, as required under Public Law 108-7.

(2) **FINANCIAL SUMMARY.**—As part of the crosscut budget submission, a financial report certified by the Secretary, and the Office of Management and Budget, containing a detailed accounting of current year, budget year and all funds received and obligated by

all Federal and State agencies responsible for implementing the CALFED Bay-Delta Program in the previous fiscal year, a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out through fiscal year 2008 the Federal portion of funds authorized under this title, and a list of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds authorized under this title.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary and the heads of the Federal agencies \$880,000,000 to pay the Federal share of programs and activities under this title for fiscal years 2004 through 2007, in accordance with the provisions of this title. The funds shall remain available without fiscal year limitation.

SEC. 205. FEDERAL SHARE OF COSTS.

(a) IN GENERAL.—The Federal share of the cost of implementing of the CALFED Bay-Delta Program as set forth in the Record of Decision shall not exceed 33.3 percent.

(b) CALFED BAY-DELTA PROGRAM BENEFICIARIES.—

(1) IN GENERAL.—The Secretary shall ensure that all beneficiaries, including the environment, shall pay for benefits received from all projects or activities carried out under the CALFED Bay-Delta Program. This requirement shall not be limited to storage and conveyance projects and shall be implemented so as to encourage integrated resource planning.

SEC. 206. USE OF EXISTING AUTHORITIES AND FUNDS.

(a) GENERALLY.—The heads of the Federal agencies shall use the authority under the alternative Acts identified by the Secretary to carry out the purposes of this title. Funds available under the alternative Acts shall be used before other funds made available under this title for the same activities.

(b) USE OF FUNDS.—In addition to funds authorized and appropriated for section 201(d)(1) or section 201(d)(2), the Secretary, in consultation with the heads of the Federal agencies, may use money appropriated for any activity authorized under this title for any activity authorized under section 201(d)(1) or section 201(d)(2) if the Secretary, in consultation with the heads of the Federal agencies, determines that the funds appropriated for the other activity cannot be used for that other activity. This section shall be construed to apply to funds appropriated after the date of the enactment of this Act unless the Act appropriating the funds specifically and explicitly states that this section shall not apply to those funds.

(c) USE OF UNEXPENDED BUDGET AUTHORITY.—The Secretary is authorized to utilize all unexpended budget authority under this title for any activity authorized under section 201(d)(1) or section 201(d)(2).

(d) REPORT.—Not later than 60 days after the date of the enactment of this Act and annual thereafter, the Secretary, in consultation with the heads of the Federal agencies, shall transmit to Congress a report that describes the following:

(1) A list of all existing authorities, including the authorities listed in subsection (a), under which the Secretary or the heads of the Federal agencies may carry out the purposes of this Act.

(2) A list funds authorized in the previous fiscal year for the authorities listed under paragraph (1).

(3) A list of the projects carried out with the funds listed in paragraph (2) and the amount of funds obligated and expended for each project.

SEC. 207. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or final judicial allocations;

(3) preempts or modifies any State or Federal law or interstate compact governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

TITLE III—SALTON SEA

SEC. 301. FUNDING TO ADDRESS SALTON SEA.

There is authorized to be appropriated to the Secretary \$300,000,000 for activities to address issues surrounding the Salton Sea.

TITLE IV—ESTABLISHMENT OF CENTRALIZED REGULATORY OFFICE

SEC. 401. ESTABLISHMENT OF OFFICE.

The Secretary shall establish an office, in Sacramento California, and may establish other offices in the capitol of any Reclamation State requesting such an office, for projects within their State, for the use of all Federal agencies and State agencies that are likely to be involved in issuing permits and conducting environmental reviews for water supply, water supply capital improvement projects, levee maintenance, and delivery systems in California or any Reclamation State requesting such an office.

SEC. 402. ACCEPTANCE AND EXPENDITURE OF CONTRIBUTIONS.

(a) IN GENERAL.—The Secretary may accept and expend funds contributed by non-Federal public entities to expedite the consideration of permits and the conducting of environmental reviews for all projects described in section 401 and to offset the Federal costs of processing such permits and conducting such reviews. The Secretary shall allocate funds received under this section among Federal agencies in accordance with the costs such agencies incur in processing such permits and conducting such reviews. The allocated funds shall be for reimbursements of such costs.

(b) PROTECTION OF IMPARTIAL DECISION-MAKING.—In carrying out this section, the Secretary and the heads Federal agencies receiving funds under this section shall ensure that the use of the funds accepted under this section will not impact impartial decision-making with respect to the issuance of permits or conducting of environmental reviews, either substantively or procedurally, or diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

TITLE V—RURAL WATER SUPPLY PROGRAM

SEC. 501. RURAL WATER SUPPLY PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to establish a program to plan, design, and construct rural water systems in coordination with other Federal agencies with rural water programs, and in cooperation with non-Federal project entities.

(b) REQUIREMENTS.—Provisions to be included in the establishment of a rural water system shall include the following:

- (1) Appraisal investigations.
- (2) Feasibility studies.
- (3) Environmental reports.
- (4) Cost sharing responsibilities.
- (5) Responsibility for operation and maintenance.
- (6) Prohibition for funding for irrigation.

(c) CRITERIA.—The Secretary is authorized to develop criteria for determining which projects are eligible for participation in the program established under this section.

(d) REPORTS TO CONGRESS.—The Secretary shall submit to Congress the program developed under this section.

(e) RECLAMATION STATES.—The program established by this section shall be limited to Reclamation States.

The SPEAKER pro tempore. The committee amendment in the nature of a substitute printed in the bill is adopted.

The text of H.R. 2828, as amended, is as follows:

H.R. 2828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Water Supply, Reliability, and Environmental Improvement Act".

TITLE I—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "California Water Security and Environmental Enhancement Act".

SEC. 102. DEFINITIONS.

In this title:

(1) CALFED BAY-DELTA PROGRAM.—The terms "Calfed Bay-Delta Program" and "Program" mean the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State and Federal Agencies in a manner consistent with the Record of Decision.

(2) ENVIRONMENTAL WATER ACCOUNT.—The term "Environmental Water Account" means the cooperative management program established pursuant to the Record of Decision to reduce incidental take and provide a mechanism for recovery of species.

(3) FEDERAL AGENCIES.—The term "Federal agencies" means the Federal agencies that are signatories to Attachment 3 of the Record of Decision.

(4) GOVERNOR.—The term "Governor" means the Governor of the State of California.

(5) RECLAMATION STATES.—The term "Reclamation States" means the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wyoming, and Texas.

(6) RECORD OF DECISION.—The term "Record of Decision" means the Calfed Bay-Delta Program Record of Decision, dated August 28, 2000.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) STATE.—The term "State" means the State of California.

(9) STATE AGENCIES.—The term "State agencies" means the California State agencies that are signatories to Attachment 3 of the Record of Decision.

(10) WATER YIELD.—The term "water yield" means a new quantity of water in storage that is reliably available in critically dry years for beneficial uses.

SEC. 103. BAY DELTA PROGRAM.

(a) IN GENERAL.—

(1) RECORD OF DECISION AS GENERAL FRAMEWORK.—The Record of Decision is approved as a general framework for addressing the Calfed Bay-Delta Program, including its components relating to water storage and water yield, ecosystem restoration, water supply reliability, conveyance, water use efficiency, water quality, water transfers, watersheds, the Environmental Water Account, levee stability, governance, and science.

(2) SPECIFIC ACTIVITIES.—The Secretary and the heads of the Federal agencies are authorized to undertake, fund, participate in, and otherwise carry out the activities described in the Record of Decision, subject to the provisions of this title, so that the activities of the Calfed Bay-Delta Program consisting of protecting

drinking water quality, restoring ecological health, improving water supply reliability (including additional water storage and water yield and conveyance), and protecting Delta levees will progress in a balanced manner.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in paragraphs (2) through (5) in furtherance of the Calfed Bay-Delta Program as set forth in the Record of Decision, subject to the cost-share and other provisions of this title.

(2) MULTIPLE BENEFIT PROJECTS FAVORED.—In selecting projects and programs for increasing water yield and water supply, improving water quality, and enhancing environmental benefits, projects and programs with multiple benefits shall be emphasized.

(3) BALANCE.—The Secretary shall ensure that all elements of the Calfed Bay-Delta Program need to be completed and operated cooperatively to maintain the balanced progress in all Calfed Bay-Delta Program areas.

(4) EXISTING AUTHORIZATIONS FOR FEDERAL AGENCIES.—The Secretary of the Interior and the heads of the Federal agencies are authorized to carry out the activities described in subparagraphs (A) through (J) of paragraph (5), to the extent authorized under existing law.

(5) DESCRIPTION OF ACTIVITIES UNDER EXISTING AUTHORIZATIONS.—

(A) WATER STORAGE AND WATER YIELD.—Activities under this subparagraph consist of—

(i) FEASIBILITY STUDIES AND RESOLUTION.—

(I) For purposes of implementing the Calfed Bay-Delta Program, the Secretary is authorized to undertake all necessary planning activities and feasibility studies required for the development of recommendations by the Secretary to Congress on the construction and implementation of specific water supply and water yield, ground water management, and ground water storage projects and implementation of comprehensive water management planning.

(II) FEASIBILITY STUDIES REQUIREMENTS.—All feasibility studies completed for storage projects as a result of this section shall include identification of project benefits and beneficiaries and a cost allocation plan consistent with the benefits to be received, for both governmental and non-governmental entities.

(III) DISAPPROVAL RESOLUTION.—If the Secretary determines a project to be feasible, and meets the requirements under subparagraph (B), the report shall be submitted to Congress. If Congress does not pass a disapproval resolution of the feasibility study during the first 120 days before Congress (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) the project shall be authorized, subject to appropriations.

(ii) WATER SUPPLY AND WATER YIELD STUDY.—The Secretary, acting through the Bureau of Reclamation and in consultation with the State, shall conduct a study of available water supplies and water yield and existing demand and future needs for water—

(I) within the units of the Central Valley Project;

(II) within the area served by Central Valley Project agricultural water service contractors and municipal and industrial water service contractors; and

(III) within the Bay-Delta solution area.

(iii) RELATIONSHIP TO PRIOR STUDY.—The study under clause (ii) shall incorporate and revise as necessary the study required by section 3408(j) of the Central Valley Project Improvement Act of 1992 (Public Law 102-575).

(iv) MANAGEMENT.—The Secretary shall conduct activities related to developing and implementing groundwater management and ground-water storage projects.

(v) COMPREHENSIVE WATER PLANNING.—The Secretary shall conduct activities related to comprehensive water management planning.

(vi) REPORT.—The Secretary shall submit a report to the congressional authorizing committees by not later than 180 days after the date of the enactment of this title describing the following:

(I) Water yield and water supply improvements, if any, for Central Valley Project agricultural water service contractors and municipal and industrial water service contractors.

(II) All water management actions or projects that would improve water yield or water supply and that, if taken or constructed, would balance available water supplies and existing demand for those contractors and other water users of the Bay-Delta watershed with due recognition of water right priorities and environmental needs.

(III) The financial costs of the actions and projects described under clause (II).

(IV) The beneficiaries of those actions and projects and an assessment of their willingness to pay the capital costs and operation and maintenance costs thereof.

(B) CONVEYANCE.—

(i) SOUTH DELTA ACTIONS.—In the case of the South Delta, activities under this clause consist of the following:

(I) The South Delta Improvement Program through actions to accomplish the following:

(aa) Increase the State Water Project export limit to 8,500 cfs.

(bb) Install permanent, operable barriers in the south Delta. The Federal Agencies shall cooperate with the State to accelerate installation of the permanent, operable barriers in the south Delta, with the intent to complete that installation not later than the end of fiscal year 2006.

(cc) Increase the State Water Project export to the maximum capability of 10,300 cfs.

(II) Reduction of agricultural drainage in south Delta channels, and other actions necessary to minimize the impact of drainage on drinking water quality.

(III) Design and construction of lower San Joaquin River floodway improvements.

(IV) Installation and operation of temporary barriers in the south Delta until fully operable barriers are constructed.

(V) Actions to protect navigation and local diversions not adequately protected by temporary barriers.

(VI) Actions to increase pumping shall be accomplished in a manner consistent with California law protecting—

(aa) deliveries to, costs of, and water suppliers and water users, including but not limited to, agricultural users, that have historically relied on water diverted for use in the Delta; and

(bb) the quality of water for existing municipal, industrial, and agricultural uses.

(ii) NORTH DELTA ACTIONS.—In the case of the North Delta, activities under this clause consist of—

(I) evaluation and implementation of improved operational procedures for the Delta Cross Channel to address fishery and water quality concerns;

(II) evaluation of a screened through-Delta facility on the Sacramento River; and

(III) evaluation of lower Mokelumne River floodway improvements.

(iii) INTERTIES.—Activities under this clause consist of—

(I) evaluation and construction of an intertie between the State Water Project California Aqueduct and the Central Valley Project Delta Mendota Canal, near the City of Tracy; and

(II) assessment of a connection of the Central Valley Project to the Clifton Court Forebay of the State Water Project, with a corresponding increase in the screened intake of the Forebay.

(iv) PROGRAM TO MEET STANDARDS.—Prior to increasing export limits from the Delta for the purposes of conveying water to south-of-Delta Central Valley Project contractors or increasing deliveries through an intertie, the Secretary shall, within one year of the date of enactment of this title, in consultation with the Governor, develop and implement a program to meet all ex-

isting water quality standards and objectives for which the CVP has responsibility. In developing and implementing the program the Secretary shall include, to the maximum extent feasible, the following:

(I) A recirculation program to provide flow, reduce salinity concentrations in the San Joaquin River, and reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives through the use of excess capacity in export pumping and conveyance facilities.

(II) The implementation of mandatory source control programs and best drainage management practices to reduce discharges into the San Joaquin River of salt or other constituents from wildlife refuges that receive Central Valley Project water.

(III) The acquisition from willing sellers of water from streams tributary to the San Joaquin River or other sources to provide flow, dilute discharges from wildlife refuges, and to improve water quality in the San Joaquin River below the confluence of the Merced and San Joaquin rivers and to reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives.

(v) USE OF EXISTING FUNDING MECHANISMS.—In implementing the Program, the Secretary shall use money collected pursuant to section 3406(c)(1) of the Central Valley Project Improvement Act of 1992 (Public Law 102-575) to acquire from voluntary sellers water from streams tributary to the San Joaquin River or other sources for the purposes set forth in subclauses (I) through (III) of clause (iv).

(vi) PURPOSE.—The purpose of the authority and direction provided to the Secretary in clause (iv) is to provide greater flexibility in meeting the existing water quality standards and objectives for which the Central Valley Project has responsibility so as to reduce the demand on water from New Melones Reservoir used for that purpose and to allow the Secretary to meet with greater frequency the Secretary's obligations to Central Valley Project contractors from the New Melones Project.

(C) WATER USE EFFICIENCY.—Activities under this subparagraph consist of—

(i) water conservation projects that provide water supply reliability, water quality, and ecosystem benefits to the Bay-Delta system;

(ii) technical assistance for urban and agricultural water conservation projects;

(iii) water recycling and desalination projects, including groundwater remediation projects and projects identified in the Bay Area Water Plan and the Southern California Comprehensive Water Reclamation and Reuse Study and other projects, giving priority to projects that include regional solutions to benefit regional water supply and reliability needs;

(I) The Secretary shall review any feasibility level studies for seawater desalination and regional brine line projects that have been completed, whether or not those studies were prepared with financial assistance from the Secretary.

(II) The Secretary shall report to the Congress not later than 90 days after the completion of a feasibility study or the review of a feasibility study. For the purposes of this Act, the Secretary is authorized to provide assistance for projects as set forth and pursuant to the existing requirements of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575; title 16) as amended, and Reclamation Recycling and Water Conservation Act of 1996 (Public Law 104-266).

(iv) water measurement and transfer actions;

(v) certification of implementation of best management practices for urban water conservation; and

(vi) projects identified in the Southern California Comprehensive Water Reclamation and Reuse Study, dated April 2001 and authorized by section 1606 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43

U.S.C. 390h-4); and the San Francisco Bay Area Regional Water Recycling Program described in the San Francisco Bay Area Regional Water Recycling Program Recycled Water Master Plan, dated December 1999 and authorized by section 1611 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-9) are determined to be feasible.

(D) WATER TRANSFERS.—Activities under this subparagraph consist of—

(i) increasing the availability of existing facilities for water transfers;

(ii) lowering transaction costs through regulatory coordination as provided in sections 301 through 302; and

(iii) maintaining a water transfer information clearinghouse.

(E) INTEGRATED REGIONAL WATER MANAGEMENT PLANS.—Activities under this subparagraph consist of assisting local and regional communities in the State in developing and implementing integrated regional water management plans to carry out projects and programs that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, in a manner that is consistent with, and makes a significant contribution to, the Calfed Bay-Delta Program.

(F) ECOSYSTEM RESTORATION.—

(i) Activities under this subparagraph consist of—

(I) implementation of large-scale restoration projects in San Francisco Bay and the Delta and its tributaries;

(II) restoration of habitat in the Delta, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetland and riparian habitat;

(III) fish screen and fish passage improvement projects, including the Sacramento River Small Diversion Fish Screen Program;

(IV) implementation of an invasive species program, including prevention, control, and eradication;

(V) development and integration of Federal and State agricultural programs that benefit wildlife into the Ecosystem Restoration Program;

(VI) financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities;

(VII) water quality improvement projects to manage and reduce concentrations of salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants;

(VIII) land and water acquisitions to improve habitat and fish spawning and survival in the Delta and its tributaries;

(IX) integrated flood management, ecosystem restoration, and levee protection projects;

(X) scientific evaluations and targeted research on Program activities;

(XI) strategic planning and tracking of Program performance; and

(XII) preparation of management plans for all properties acquired, and update current management plans, prior to the purchase or any contribution to the purchase of any interest in land for ecosystem.

(ii) A RESTORATION MANAGEMENT PLAN REPORT.—The Secretary shall submit a restoration management plan report to Congress, 30 days (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) prior to implementing ecosystem restoration actions as described under this paragraph. Such plan reports shall be required for all ecosystem projects, (including comprehensive projects that are composed of several components and are to be completed by staged implementation) exceeding \$20,000 in Federal funds. The Restoration Management Plan required to be submitted under this paragraph, shall, at a minimum—

(I) be consistent with the goal of fish, wildlife, and habitat improvement;

(II) be consistent with all applicable Federal and State laws;

(III) describe the specific goals, objectives, and opportunities and implementation timeline of the proposed project. Describe to what extent the proposed project is a part of a larger, more comprehensive project in the Bay-Delta watershed;

(IV) describe the administration responsibilities of land and water areas and associated environmental resources, in the affected project area including an accounting of all habitat types. Cost-share arrangements with cooperating agencies should be included in the report;

(V) describe the resource data and ecological monitoring data to be collected for the restoration projects and how the data are to be integrated, streamlined, and designed to measure the effectiveness and overall trend of ecosystem health in the Bay-Delta watershed;

(VI) identify various combinations of land and water uses and resource management practices that are scientifically-based and meet the purposes of the project. Include a description of expected benefits of the restoration project relative to the cost of the project;

(VII) analyze and describe cumulative impacts of project implementation, including land acquisition, and the mitigation requirements, subject to conditions described in clause (iii)(I). Complete appropriate actions to satisfy requirements of NEPA, CEQA, and other environmental permitting clearance; and

(VIII) describe an integrated monitoring plan and measurable criteria, or bio-indicators, to be used for evaluating cost-effective performance of the project.

(iii) CONDITIONS.—Conditions, if applicable, for projects and activities under this paragraph, and which are to be described in the restoration management plan report, are as follows:

(I) a requirement that before obligating or expending Federal funds to acquire land, the Secretary shall first determine that existing Federal land, State land, or other land acquired for ecosystem restoration with amounts provided by the United States or the State, to the extent such lands are available within the Calfed solution area, is not available for that purpose. If no public land is available the Secretary, prior to any federal expenditure for private land acquisitions, shall—

(aa) not convert prime farm land and unique farm land, to the maximum extent as practicable, as identified by local, State, or Federal land use inventories, including the Natural Resources Conservation Service;

(bb) not conflict with existing zoning for agriculture use; and

(cc) not involve other changes in existing environment due to location and nature of converting farmland to non-farmland use.

(II) a requirement that in determining whether to acquire private land for ecosystem restoration, the Secretary shall—

(aa) conduct appropriate analysis, including cost valuation to assure that private land acquisitions prioritize easements and leases over acquisitions by fee title unless easements and leases are unavailable or unsuitable for the stated purposes;

(bb) consider and partner with landowners and local agencies to develop cooperating landowner commitments that are likely to meet co-equal objectives of achieving local economic and social goals and implementing the ecosystem restoration goals; and

(cc) consider the potential cumulative impacts of fee title, easement, or lease acquisition on the local and regional economies and adjacent land and landowners, of transferring the property into government ownership, and—

(AA) describe the actions that will be taken, to the maximum extent practicable, to mitigate any induced damages; and

(BB) determine and describe the degree to which land acquired will add value to fish, wildlife, and habitat purposes.

(iv) ANNUAL ECOSYSTEM RESTORATION PROJECT SUMMARY REPORT.—The Secretary shall, by no later than December 31 of each year, submit to Congress an annual report on the use of financial assistance received under this title. The report shall highlight progress of project implementation, effectiveness, monitoring, and accomplishment. The report will identify and outline the need for amendments or revisions to the plan to improve the cost-effectiveness of project implementation.

(G) WATERSHEDS.—Activities under this subparagraph consist of—

(i) building local capacity to assess and manage watersheds affecting the Calfed Bay-Delta system;

(ii) technical assistance for watershed assessments and management plans; and

(iii) developing and implementing locally-based watershed conservation, maintenance, and restoration actions.

(H) WATER QUALITY.—Activities under this subparagraph consist of—

(i) addressing drainage problems in the San Joaquin Valley to improve downstream water quality (including habitat restoration projects that reduce drainage and improve water quality) if—

(I) a plan is in place for monitoring downstream water quality improvements;

(II) State and local agencies are consulted on the activities to be funded; and

(III) except that no right, benefit, or privilege is created as a result of this clause;

(ii) implementation of source control programs in the Delta and its tributaries;

(iii) developing recommendations through scientific panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in Delta water quality for all uses;

(iv) investing in treatment technology demonstration projects;

(v) controlling runoff into the California aqueduct, the Delta-Mendota Canal, and other similar conveyances;

(vi) addressing water quality problems at the North Bay Aqueduct;

(vii) supporting and participating in the development of projects to enable San Francisco Area water districts and water entities in San Joaquin and Sacramento counties to work cooperatively to address their water quality and supply reliability issues, including—

(I) connections between aqueducts, water transfers, water conservation measures, institutional arrangements, and infrastructure improvements that encourage regional approaches; and

(II) investigations and studies of available capacity in a project to deliver water to the East Bay Municipal Utility District under its contract with the Bureau of Reclamation, dated July 20, 2001, in order to determine if such capacity can be used to meet the objectives of this clause;

(viii) development of water quality exchanges and other programs to make high quality water available for urban and other users;

(ix) development and implementation of a plan to meet all water quality standards for which the Federal and State water projects have responsibility;

(x) development of recommendations through technical panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in water quality for all uses; and

(xi) projects that may meet the framework of the water quality component of the Calfed Bay-Delta Program.

(I) SCIENCE.—Activities under this subparagraph consist of—

(i) establishing and maintaining an independent science board, technical panels, and standing boards to provide oversight and peer review of the Program;

(ii) conducting expert evaluations and scientific assessments of all Program elements;

(iii) coordinating existing monitoring and scientific research programs;

(iv) developing and implementing adaptive management experiments to test, refine, and improve scientific understandings;

(v) establishing performance measures, and monitoring and evaluating the performance of all Program elements; and

(vi) preparing an annual science report.

(J) DIVERSIFICATION OF WATER SUPPLIES.—Activities under this subparagraph consist of actions to diversify sources of level 2 refuge supplies and modes of delivery to refuges.

(6) NEW AND EXPANDED AUTHORIZATIONS FOR FEDERAL AGENCIES.—The Secretary and the heads of the Federal agencies described in the Record of Decision are authorized to carry out the activities described in paragraph (7) during each of fiscal years 2005 through 2008, in coordination with the Bay-Delta Authority.

(7) DESCRIPTION OF ACTIVITIES UNDER NEW AND EXPANDED AUTHORIZATIONS.—

(A) CONVEYANCE.—Of the amounts authorized to be appropriated under section 110, not more than \$184,000,000 may be expended for the following:

(i) Feasibility studies, evaluation, and implementation of the San Luis Reservoir lowpoint improvement project.

(ii) Feasibility studies and actions at Franks Tract to improve water quality in the Delta.

(iii) Feasibility studies and design of fish screen and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities.

(iv) Design and construction of the relocation of drinking water intake facilities to Delta water users. The Secretary shall coordinate actions for relocating intake facilities on a time schedule consistent with subparagraph (5)(B)(i)(I)(bb) or other actions necessary to offset the degradation of drinking water quality in the Delta due to the South Delta Improvement Program.

(v) In addition to the other authorizations granted to the Secretary by this title, the Secretary shall acquire water from willing sellers and undertake other actions designed to decrease releases from New Melones Reservoir for meeting water quality standards and flow objectives for which the Central Valley Project has responsibility in order to meet allocations to Central Valley Project contractors from the New Melones Project. Of the amounts authorized to be appropriated under paragraph (7)(A), not more than \$5,260,000 may be expended for this purpose.

(B) ENVIRONMENTAL WATER ACCOUNT.—Of the amounts authorized to be appropriated under section 110, not more than \$90,000,000 may be expended for implementation of the Environmental Water Account provided that such expenditures shall be considered a nonreimbursable Federal expenditure. In order to reduce the use of New Melones reservoir as a source of water to meet water quality standards, the Secretary may use the Environmental Water Account to purchase water to provide flow for fisheries, to improve water quality in the San Joaquin river and Delta.

(C) LEVEE STABILITY.—Of the amounts authorized to be appropriated under section 110, not more than \$90,000,000 may be expended for—

(i) reconstructing Delta levees to a base level of protection;

(ii) enhancing the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects program;

(iii) developing best management practices to control and reverse land subsidence on Delta islands;

(iv) refining the Delta Emergency Plan;

(v) developing a Delta Risk Management Strategy after assessing the consequences of Delta levee failure from floods, seepage, subsidence, and earthquakes;

(vi) developing a strategy for reuse of dredged materials on Delta islands;

(vii) evaluating, and where appropriate, rehabilitating the Suisun Marsh levees; and

(viii) not more than \$2,000,000 may be expended for integrated flood management, ecosystem restoration, and levee protection projects, including design and construction of lower San Joaquin River and lower Mokelumne River floodway improvements and other projects under the Sacramento-San Joaquin Comprehensive Study.

(D) PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.—Of the amounts authorized to be appropriated under section 110, not more than \$25,000,000 may be expended by the Secretary or the other heads of Federal agencies, either directly or through grants, contracts, or cooperative agreements with agencies of the State, for—

(i) program support;

(ii) program-wide tracking of schedules, finances, and performance;

(iii) multiagency oversight and coordination of Program activities to ensure Program balance and integration;

(iv) development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision;

(v) coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities in accordance with the Federal Advisory Committee Act (5 U.S.C. App.); and

(vi) development of Annual Reports.

SEC. 104. MANAGEMENT.

(a) COORDINATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall coordinate their activities with the State agencies.

(b) PUBLIC PARTICIPATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through an advisory committee established in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other appropriate means, to seek input on Program elements such as planning, design, technical assistance, and development of peer review science programs.

(c) SCIENCE.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the Program are subjected to credible and objective scientific review; and

(2) major decisions are based upon the best available scientific information.

(d) ENVIRONMENTAL JUSTICE.—The Federal agencies and State agencies, consistent with Executive Order 12898 (59 FR Fed. Reg. 7629), should continue to collaborate to—

(1) develop a comprehensive environmental justice workplan for the Calfed Bay-Delta Program; and

(2) fulfill the commitment to addressing environmental justice challenges referred to in the Calfed Bay-Delta Program Environmental Justice Workplan, dated December 13, 2000.

(e) LAND ACQUISITION.—Federal funds appropriated by Congress specifically for implementation of the Calfed Bay-Delta Program may be used to acquire fee title to land only where consistent with the Record of Decision and section 103(b)(5)(F)(iii).

(f) AGENCIES' DISCRETION.—This title shall not affect the discretion of any of the Federal agencies or the State agencies or the authority granted to any of the Federal agencies or State agencies by any other Federal or State law.

(g) STATUS REPORTS.—The Secretary shall report, quarterly to Congress, on the progress in achieving the water supply targets as described in Section 2.2.4 of the Record of Decision, the environmental water account requirements as described in Section 2.2.7, and the water quality targets as described in Section 2.2.9, and any

pending actions that may affect the ability of the Calfed Bay-Delta Program to achieve those targets and requirements.

SEC. 105. REPORTING REQUIREMENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than February 15 of each year, the Secretary, in cooperation with the Governor, shall submit to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives a report that—

(A) describes the status of implementation of all components of the Calfed Bay-Delta Program;

(B) sets forth any written determination resulting from the review required under subsection (b); and

(C) includes any revised schedule prepared under subsection (b).

(2) CONTENTS.—The report required under paragraph (1) shall describe—

(A) the progress of the Calfed Bay-Delta Program in meeting the implementation schedule for the Program in a manner consistent with the Record of Decision;

(B) the status of implementation of all components of the Program;

(C) expenditures in the past fiscal year for implementing the Program;

(D) accomplishments during the past fiscal year in achieving the objectives of additional and improved—

(i) water storage, including water yield;

(ii) water quality;

(iii) water use efficiency;

(iv) ecosystem restoration;

(v) watershed management;

(vi) levee system integrity;

(vii) water transfers;

(viii) water conveyance; and

(ix) water supply reliability;

(E) program goals, current schedules, and relevant financing agreements;

(F) progress on—

(i) storage projects;

(ii) conveyance improvements;

(iii) levee improvements;

(iv) water quality projects; and

(v) water use efficiency programs;

(G) completion of key projects and milestones identified in the Ecosystem Restoration Program;

(H) development and implementation of local programs for watershed conservation and restoration;

(I) progress in improving water supply reliability and implementing the Environmental Water Account;

(J) achievement of commitments under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and endangered species law of the State;

(K) implementation of a comprehensive science program;

(L) progress toward acquisition of the Federal and State permits (including permits under section 404(a) of the Federal Water Pollution Control Act (33 U.S.C. 1344(a))) for implementation of projects in all identified Program areas;

(M) progress in achieving benefits in all geographic regions covered by the Program;

(N) legislative action on—

(i) water transfer;

(ii) groundwater management;

(iii) water use efficiency; and

(iv) governance issues;

(O) the status of complementary actions;

(P) the status of mitigation measures; and

(Q) revisions to funding commitments and Program responsibilities.

(b) ANNUAL REVIEW OF PROGRESS AND BALANCE.—

(1) IN GENERAL.—Not later than November 15 of each year, the Secretary, in cooperation with the Governor, shall review progress in implementing the Calfed Bay-Delta Program based on—

(A) consistency with the Record of Decision; and

(B) balance in achieving the goals and objectives of the Calfed Bay-Delta Program.

(2) REVISED SCHEDULE.—If, at the conclusion of each such annual review or if a timely annual review is not undertaken, the Secretary, or the Governor, determine in writing that either the Program implementation schedule has not been substantially adhered to, or that balanced progress in achieving the goals and objectives of the Program is not occurring, the Secretary, in coordination with the Governor and the Bay-Delta Public Advisory Committee, shall prepare a revised schedule to achieve balanced progress in all Calfed Bay-Delta Program elements consistent with the Record of Decision.

(c) FEASIBILITY STUDIES.—Any feasibility studies completed as a result of this title shall include identification of project benefits and a cost allocation plan consistent with the beneficiaries pay provisions of the Record of Decision.

SEC. 106. CROSSCUT BUDGET.

(a) IN GENERAL.—The budget of the President shall include requests for the appropriate level of funding for each of the Federal agencies to carry out the responsibilities of the Federal agency under the Calfed Bay-Delta Program.

(b) REQUESTS BY FEDERAL AGENCIES.—The funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of the funds, in accordance with paragraphs (2) through (5) of section 103(b).

(c) REPORT.—At the time of submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report certified by the Secretary containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any interagency or intra-agency transfer, for each of the Federal agencies to carry out the Calfed Bay-Delta Program for the upcoming fiscal year, separately showing funding requested under both pre-existing authorities and under the new authorities granted by this title; and

(B) identifies all expenditures since 2000 by the Federal and State governments to achieve the objectives of the Calfed Bay-Delta Program;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and State agencies responsible for implementing the Calfed Bay-Delta Program during the previous fiscal year;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b); and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b).

SEC. 107. FEDERAL SHARE OF COSTS.

(a) IN GENERAL.—The Federal share of the cost of implementing the Calfed Bay-Delta Program for fiscal years 2005 through 2008 in the aggregate, as set forth in the Record of Decision, shall not exceed 33.3 percent.

(b) CALFED BAY-DELTA PROGRAM BENEFICIARIES.—

(1) IN GENERAL.—The Secretary shall ensure that all beneficiaries, including the environment, shall pay for benefits received from all projects or activities carried out under the Calfed Bay-Delta Program. This requirement shall not be limited to storage and conveyance projects and shall be implemented so as to encourage integrated resource planning.

SEC. 108. USE OF EXISTING AUTHORITIES AND FUNDS.

(a) GENERALLY.—The heads of the Federal agencies shall use the authority under existing authorities identified by the Secretary to carry out the purposes of this title.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act and annual thereafter, the Secretary, in consultation with the heads of the Federal agencies, shall transmit to Congress a report that describes the following:

(1) A list of all existing authorities, including the authorities listed in subsection (a), under which the Secretary or the heads of the Federal agencies may carry out the purposes of this title.

(2) A list of funds authorized in the previous fiscal year for the authorities listed under paragraph (1).

(3) A list of the projects carried out with the funds listed in paragraph (2) and the amount of funds obligated and expended for each project.

SEC. 109. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or final judicial allocations;

(3) preempts or modifies any State or Federal law or interstate compact governing water quality or disposal; or

(4) confers on any non-federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 110. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to the Secretary and the heads of the Federal agencies to pay the Federal share of the cost of carrying out the new and expanded authorities described in paragraphs (6) and (7) of section 103(b), \$389,000,000 for the period of fiscal years 2005 through 2008, to remain available until expended.

TITLE II—ESTABLISHMENT OF CENTRALIZED REGULATORY COORDINATION OFFICES

SEC. 201. ESTABLISHMENT OF OFFICES.

For projects authorized by this Act and located within the State of California, the Secretary shall establish a centralized office in Sacramento, California, for the use of all Federal agencies and State agencies that are or will be involved in issuing permits and preparing environmental documentation for such projects. The Secretary may, at the request of the Governor of any Reclamation State, establish additional centralized offices for the use of all Federal agencies and State agencies that are or will be involved in issuing permits and preparing environmental documentation for projects authorized by this Act, or under any other authorized Act, and located within such States.

SEC. 202. ACCEPTANCE AND EXPENDITURE OF CONTRIBUTIONS.

(a) IN GENERAL.—The Secretary may accept and expend funds contributed by non-Federal public entities to coordinate the preparation and review of permit applications and the preparation of environmental documentation for all projects authorized by this Act, or any other authorized Act, and to offset the Federal costs of processing such permit applications and environmental documentation. The Secretary shall allocate funds received under this section among Federal agencies with responsibility for the project under consideration and shall reimburse those agencies in accordance with the costs such agencies incur in processing permit applications and preparing environmental documentation.

(b) PROTECTION OF IMPARTIAL DECISION-MAKING.—In carrying out this section, the Secretary and the heads of Federal agencies receiving funds under this section shall ensure that the use of the funds accepted under this section will not impact impartial decisionmaking with respect to the issuance of permits or preparation of environmental documentation, either substantively or procedurally, or diminish, modify,

or otherwise affect the statutory or regulatory authorities of such agencies.

TITLE III—RURAL WATER SUPPLY PROGRAM

SEC. 301. RURAL WATER SUPPLY PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of constructing rural water systems in coordination with other Federal agencies with rural water programs, and in cooperation with non-Federal project entities.

(b) REQUIREMENTS.—The study referred to in subsection (a) shall consider each of the following:

(1) Appraisal investigations.

(2) Feasibility studies.

(3) Environmental reports.

(4) Cost sharing responsibilities.

(5) Responsibility for operation and maintenance.

(c) CRITERIA.—As part of the study referred to in subsection (a), the Secretary shall develop criteria for determining which projects are eligible for participation in the study referred to under this section.

(d) REPORTS TO CONGRESS.—The Secretary shall submit to Congress the study developed under this section.

(e) RECLAMATION STATES.—The program established by this section shall be limited to Reclamation States.

TITLE IV—SALTON SEA STUDY PROGRAM

SEC. 401. SALTON SEA STUDY PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of reclaiming the Salton Sea.

(b) REQUIREMENTS.—The study referred to in subsection (a) shall consider each of the following:

(1) Appraisal investigations.

(2) Feasibility studies.

(3) Environmental Reports.

(4) Cost sharing responsibilities.

(5) Responsibility for operation and maintenance.

(c) REPORT TO CONGRESS.—The Secretary shall submit to Congress the study developed under this section no later than 1 year after the date of enactment.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in the report, if offered by the gentleman from California (Mr. CALVERT) or his designee, which shall be considered read, and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. CALVERT).

GENERAL LEAVE

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. R. 2828.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CALVERT. Mr. Speaker, today's consideration of this bill is a giant step forward in resolving California's water supply problems.

Mr. Speaker, I yield such time as he may consume to the gentleman from

California (Mr. POMBO), the chairman of the full committee.

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time.

I am pleased today to support the subcommittee chairman, the gentleman from California (Mr. CALVERT), on this historic legislation. For over 10 years we have been trying to move this process forward to develop a comprehensive water plan to benefit all of California, and this legislation does just that.

This legislation addresses the water needs of California by bringing adversaries together for the first time on many of these issues.

For over 30 years, sides have not resolved the Sacramento/San Joaquin Bay-Delta water quality issues. This legislation includes a historic agreement between these parties to once and for all improve water quality by addressing many concerns in the Delta and its tributaries.

By improving water quality, everybody benefits. Improved water quality in the Delta means better drinking water for our cities, better water for our farmers, and better water quality for our fish. This bill provides the Secretary with a variety of tools to address this very serious issue, including the purchase of water from voluntary sellers to meet water quality standards. It also gives direction for the implementation of an operational plan for the New Melones Reservoir that will rely on the best available science and coordinate releases to benefit both the fisheries and the water quality for municipal and agricultural users.

This bill increases California's water supply through water reclamation and recycling projects, water storage, better operation, and the coordination of Federal and State projects, and the development of water conservation projects that benefit all of California. With an ever-increasing demand for water in the State of California, there is a need to move all of the projects of every type forward quickly and efficiently, and this bill does that.

I again want to congratulate the gentleman from California (Mr. CALVERT) on the great work that he did on this bill, and the gentlewoman from California (Mrs. NAPOLITANO) for working with her subcommittee chairman to make this work. I appreciate all that she put in to make this a good bill.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my friend and colleague, the gentleman from California (Mr. CALVERT), the subcommittee chairman and the sponsor of H.R. 2828, for his tireless work to keep the CALFED authorization moving forward, and also the gentleman from California (Chairman POMBO) for his unwavering support.

As ranking member of the Subcommittee on Water and Power, I have had the privilege of working with the

chairman on many water issues. His commitment to a fair and open legislative process is indeed very commendable.

The State of California needs a more reliable water supply; we can all agree on that. We now face, like many other States, severe restrictions specifically on the use of the Colorado River, and we must reduce our water use to meet the terms of the Colorado River Compact.

The gentleman from California (Chairman CALVERT) and others on our committee are well aware of my strong support for water recycling, desalinization, and groundwater cleanup projects. With H.R. 2828, the gentleman from California (Chairman CALVERT) has raised the importance of these projects to unprecedented levels. He deserves our combined thanks and our support for his commitment.

Efficient water use, water recycling, ground water treatment, new storage, and desalinization projects are all critically important if we in Southern California are to succeed in our effort to cut back our use of the Colorado River. With increased emphasis on using water more efficiently, we can increase our available water supply by more than half a million acre feet of water per year, and we can do it cheaply and quickly.

Mr. Speaker, by working together, we have taken a huge step forward towards authorizing the CALFED program. The gentlemen from California (Chairman POMBO) and (Chairman CALVERT) and their staffs have cooperated with us fully, and we have together made many improvements to this legislation. I look forward to continuing our progress on CALFED as we move this bill towards the White House. I urge all of my Democratic and Republican colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I want to compliment the gentleman from California (Mr. CALVERT). Putting this bill together has been very difficult and has taken a number of years. He and his staff and the gentleman from California (Mr. POMBO) and his staff have done an outstanding job.

I remember when CALFED was first unleashed, and it was I think in 1996, and it was done in an appropriations bill. So, really, this is the first proper authorization that we have actually had, and it has been a long time in coming.

It has been mentioned that this bill brings balance between the ecological work that has been done, which has received almost all of the focus and all of the funding, and balance for water yield. Yield means water that is available in critically dry years, that is reliably available; and this bill emphasizes that and creates studies and com-

mences processes that will produce what is needed to meet the growing needs of our State.

This bill also subjects to accountability everything that is going on in CALFED. These projects have been going on for nearly 10 years; and yet there has been very little accountability.

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Now we will have the accountability that we need so that the Congress can assess what is working and what is not, and so that Congress can also assure that we are meeting all the objectives of CALFED, not just some.

I also wish to draw attention to the limitation on the water use fees that are contained in the report accompanying this bill that provides that only direct beneficiaries of projects benefiting the Bay Delta region will be subject to the beneficiary pays provision. This means that upstream water users who participate in projects to improve the region are not subject to fees or taxes imposed on beneficiaries of the project. In addition, this legislation does not authorize the creation of a broad-based fee or tax for water users. Any fee or tax that is developed will be directly proportional to the benefit received from specific projects authorized by the program.

Mr. Speaker, I thank my colleagues and appreciate the cooperation we have had. I thank the gentlewoman from California (Mrs. NAPOLITANO) for her work and her staff and commend everyone for finally being able to bring this great package together. Everyone who cares about water and the future in California should be supporting this bill.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, the CALFED process is an unprecedented undertaking and one that is crucial to the water security of all people in California, both northern and southern, urban and rural. That is why we need a balanced reauthorization bill that respects the hard work done over the past years by all CALFED stakeholders in the blueprint record of decision agreed upon in 2000.

I fear that H.R. 2828 does not achieve the delicate balance necessary because of the preauthorization of the dam projects that are controversial in their communities and among the stakeholders. So I would urge that H.R. 2828 be opposed and that the motion to recommit offered by the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman from California (Mrs. TAUSCHER) that would correct the preauthorization provision be supported.

However, I do want to give credit to the gentlewoman from California (Mrs. NAPOLITANO) and to all who have worked on this, because I am confident that once we get through this process in working with our Senators who have

a parallel effort that avoids the flaw in this bill, that we will end up with a bill that all of us support. It is important that the CALFED process move forward.

Mr. CALVERT. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, before I make a statement about this bill, I want to also thank the ranking member, the gentlewoman from California (Mrs. NAPOLITANO) for all her great work on this bill. She has spent many hours and days traveling across the State of California. I think we probably were in most congressional districts throughout California as this process took place. Certainly I thank her for her great work in this legislation.

This bill represents great progress in helping solve the water problems of the west by making California more self-reliant and carefully using its own water supply. We have come a long way over the last few years. The Subcommittee on Water and Power conducted three field hearings in California, a legislative hearing, two mark-ups, and too many meetings to count to get where we are today.

Individually, many of the members of our committee have helped to shepherd often contentious quantification settlement agreements, for instance, that was delayed, but we finally came to a decisive conclusion. My friends in the upper-lower basin States should know that this bill today is another positive step in California weaning itself from historically overdrafting the Colorado River.

As we have found with the plumbing in California's water system, everything in the world of water is related to everything else. Thus, achievements like the quantification settlement agreement helped us conclude the carefully balanced agreement on CALFED that we have before us today. Water is not and should not be a partisan issue. I worked constructively with the Committee on Resources chairman, the gentleman from California (Mr. POMBO), Senator FEINSTEIN, as I mentioned, the ranking Democratic member; the gentlewoman from California (Mrs. NAPOLITANO); the gentleman from California (Mr. DOOLEY); the gentleman from California (Mr. CARDOZA); of course, the gentleman from California (Mr. GEORGE MILLER); and the full committee ranking member, the gentleman from West Virginia (Mr. RAHALL) and many, many more to make sure this bill before us is a consensus that I believe that it is.

I am proud to have many Democratic members of the Committee on Resources supporting this bill. The original intent of CALFED was to provide balance to a complex water delivery system, to ensure that everybody gets better together. That is what this bill does. H.R. 2828 simply and truly means that the environment, recreation, drinking water, agriculture and industries gets better together.

As our distinguished colleague, the gentleman from California (Mr. POMBO)

said, This bill makes historic strides in water quality improvements in the Sacramento-San Joaquin Bay Delta. Improved water quality helps everyone across the board. We have also created new water supplies for southern California through my friend, the gentlewoman from California's (Mrs. NAPOLITANO) water recycling amendment, and we enhanced surface storage to improve water quality for families in our colleagues' district in the Bay area and beyond as evidenced by the support of such water districts as the Northern California Water District, Contra Costa Water District, Central Contra Water District and many others.

We have created a right to know provision by making Federal agencies report how they will spend the money. Congress and the American taxpayer deserve government accountability and this bill provides it.

Mr. Speaker, I will continue to work with my colleagues in the House and the Senate to bring ultimate resolution to this bipartisan effort. Our bill includes and supports a diverse approach to solving our water problems, including conservation, reclamation, desalinization, conjunctive use, ground water storage and, of course, surface storage options that have been carefully studied and negotiated down to the bare minimum.

We have made significant progress and we can see the light at the end of the tunnel. With today's vote, we will pass this bill and we will make that light shine even brighter. I urge support.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DOOLEY).

(Mr. DOOLEY of California asked and was given permission to revise and extend his remarks.)

Mr. DOOLEY of California. Mr. Speaker, I want to commend the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) for the terrific work they have done in crafting this legislation.

Obviously, one of the greatest challenges we face in California and, indeed, the entire west, is how do we provide adequate water for all of our needs, whether they be consumptive needs, as well as the environment. And this legislation is a step forward to providing greater certainty that in the future we will have the water resources that are needed for the expanding population. We will have the water resources that are needed for our agriculture sector as well as our industrial sector. Most importantly, it also ensures that we are going to provide the protection that our environment needs.

This legislation is clearly something that is going to meet the needs of all the citizens of California. And while there are some of our colleagues in California that do not think this is a

perfect piece of legislation, I would agree with them that it might not be perfect but it would be foolhardy for us to not allow this legislation to move forward so that we could eventually see a compromise and a final consensus developed that will, in fact, contribute to the needs of California.

Mr. Speaker, I rise in strong support of H.R. 2828, the Water Supply, Reliability, and Environmental Improvement Act and commend the leadership of my subcommittee Chairman KEN CALVERT and Ranking Member GRACE NAPOLITANO for bringing this important legislation to its place on the floor today.

I also want to recognize the very significant role that the senior Senator from California has played in developing and moving a counterpart bill in the Senate on a parallel track, paving the way for a bill to become law later this year.

This bipartisan water bill has been long in the making. Federal authorization for funding the Calfed Bay-Delta Program, commonly referred to as CALFED, expired in 2000—the same year that a consortium of Federal and State agencies issued a Record of Decision (ROD) setting forth a 30-year plan for CALFED.

Since 2000, various versions of reauthorizing legislation have been under consideration by the Congress. Until today, however, none of the earlier versions was able to reach the House floor.

The fact that today we finally have a bipartisan CALFED bill on the House floor reflects the long and arduous process of seeking input, balancing interests and making compromises. Many, many stakeholders were consulted in the development of this bill, including representatives of agricultural, urban, environmental, fishery, and business interests. None of them are likely to say that this is the "perfect" bill from their individual perspectives. But the bill we now have before us represents a constructive effort to forge a thoughtful and balanced approach to the management of California's water supplies. It deserves our support today.

A sound bill when it was introduced last year, H.R. 2828 improved when it was marked up by the Resources Committee on May 5, and several provisions of Senator FEINSTEIN's bill were incorporated. Additional refinements to the legislative language have been included in today's managers' amendment, enhancing the prospects for an expeditious conference with the Senate and enactment this year.

Many in this body are aware of the legal conflicts and tensions that have evolved over the years on California water issues. The intent of this bill is to reduce those conflicts and tensions by providing guidance and authority for improving water supply reliability and water quality, while at the same time enhancing the environment. The bill recognizes the CALFED 2000 Record of Decision as the framework for implementing the program, and ensures that implementation moves ahead on a balanced basis.

There are many important provisions in the bill. I will comment on only a few of them.

For those of us in the Central Valley of California, this bill provides important assurances of improved conveyance of water supplies through the Delta. It authorizes evaluation and construction of much-needed new barriers and interties. It also recognizes the importance of

improving drainage in south Delta channels to minimize impact on drinking water quality. It thus requires implementation of a program to meet water quality standards in the San Joaquin River and the Delta prior to increased pumping or deliveries.

The bill is designed to give the Secretary more flexibility in meeting water quality standards in the Delta while reducing the reliance on the New Melones Project for meeting water quality and fish flows standards. To help meet this goal, the Secretary is authorized to use a variety of tools, including the purchase of water from willing sellers on the tributaries of the San Joaquin River. The legislation further allows the Secretary to use the CVP Restoration Fund to help pay for these water purchases and other designated actions.

It is important to recognize that water purchases and the use of the Restoration Fund monies are merely tools that the Secretary may use to achieve a goal. They are not mandates that supercede existing water rights or water supply contracts or replace existing Restoration Fund priorities. The Program to Meet Standards created by H.R. 2828 does not give the Secretary any new authority to acquire or re-allocate water from anyone but willing sellers.

On another issue—that of cost allocation—the Committee report on H.R. 2828 makes clear that the costs of implementing the CALFED program are to be allocated in a way that relates directly to benefits to be received. This “beneficiaries pay” principle precludes the imposition of water-use fee, tax or surcharge that would force water agencies or individuals to pay for CALFED projects or programs from which they do not benefit. Nothing in this legislation provides the basis for the imposition of such a fee or tax.

Some critics of this bill are claiming that it cedes congressional authority over water storage projects. I wish to make it clear that such a claim is not true.

The bill does give the Secretary blanket authority under the framework of the CALFED program to undertake feasibility studies for water storage projects. Such an authorization makes sense, given the fact that a Record of Decision for the CALFED program has already been issued and the extensive Federal-State-stakeholder consultation process within CALFED itself provides for due deliberation of project proposals.

If as a result of a specific feasibility study, the Secretary determines that a particular project is indeed feasible, the Secretary cannot simply move ahead, but first must submit a report to Congress identifying project benefits and beneficiaries and a cost allocation plan. Congress then has 120 legislative days—not calendar days, but legislative days—to consider the report and recommendation, and pass a disapproval resolution if we disagree with the Secretary's recommendation. Such a disapproval resolution procedure, as we all know, is not an uncommon procedure for congressional oversight of proposed administration actions. In addition to the 120-day layover period, congressional approval through the enactment of appropriations for the project must occur. We all know this is no small step.

So the bill does delegate more authority to the Secretary at the beginning of the feasibility process, enabling proposals to be explored and developed on an expeditious basis, but

still retains the ultimate congressional authority to stop any particular water storage project as well as to determine its appropriations, if any. This process is thus a bit streamlined from the existing procedures for water storage projects. However, it provides adequate safeguards for congressional prerogatives while enhancing the expeditious consideration of worthy project proposals.

Before closing, I wish to thank the staff of the Water and Power Subcommittee, on both sides of the aisle, for their hard work and cooperation in helping us arrive to this point today. Their openness and professionalism are deeply appreciated by me and my staff.

Mr. Speaker, passage of this legislation is long overdue. If we are to have any chance of CALFED being reauthorized in this session of Congress, we must pass this bill today and forward it to the Senate for its consideration. I urge my colleagues to support this bill and vote “aye.”

Mr. CALVERT. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, in California, wine is for drinking and water is for fighting. The gentleman from California (Mr. POMBO) and the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) have done a Herculean job task of putting together all the interests in California in a water bill that is supported by just about every interest group out there, and that was an incredible task. That is why I am a proud co-sponsor and supporter of H.R. 2828.

The central valley of California comprises the largest agriculture producing county in the Nation, where over 250 of California's crops are grown. With its fertile soil and temperate climate, the valley produces 8 percent of the ag output of the United States on less than 1 percent of the Nation's total farmland. Valley farmers alone grow nearly half the fresh fruits and vegetables grown in the entire Nation.

The most fundamental challenge facing California's Central Valley is assuring adequate long term supplies of water to meet the demands of the agriculture, environmental and urban water needs. A dependable and affordable water supply is necessary to meet the long term needs of the State. The key to providing this water supply is adequate storage facilities to hold water in times of surplus for use during water shortages.

With H.R. 2828, California will have a more reliable and efficient water supply, and water throughout the west will be more stable because California will have the tools necessary to provide for its own water. Specifically, among other projects, H.R. 2828 allows for the continued storage studies in the Upper San Joaquin River and will provide critical water storage in the region that I represent.

The legislation also makes progress towards balance in CALFED Bay Delta program by underscoring the need for new surface storage facilities, as well as ensuring improved water quality

and providing continued support for ecosystem restoration activities.

There are a few provisions which I would like to clarify in the RECORD if I may. The first of these pertains to CALFED fees. H.R. 2828 sanctions the principle of beneficiary pays, and I support this standard. This means exactly what it says. Those who benefit from a CALFED project or program should pay for what they receive. It also means that those who do not benefit from CALFED programs and projects should not have to pay for the fees.

The legislation does not authorize or impose water diversion fees, charges or taxes on CALFED beneficiaries and non-beneficiaries. Such charges go against the beneficiaries pay principle of this bill and the CALFED record of decision, and this is the clear intention of the House Committee on Resources when it reported H.R. 2828.

The second issue I would like to clarify is the new program to meet standards which was created to give added flexibility to the Secretary of the Interior to meet existing water quality standard in the Delta. For the record, I wanted to state that nothing in H.R. 2828 requires water users in the San Joaquin River and its tributaries to provide more water or more money than they are currently providing to meet existing water quality standards and fishery objectives. Nothing in the legislation authorizes the Secretary to make involuntary acquisitions of water from the central valley project contractors or water rights holders on the tributaries of the San Joaquin.

Finally, nothing in the bill gives the program to meet standards a higher priority to receive funding for the restoration fund than existing programs and projects supported by the fund.

With that, Mr. Speaker, I encourage my colleagues to support the passage of H.R. 2828.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise in support of H.R. 2828, the Water Supply Reliability and Environmental Improvement Act known as the CALFED, a historical giant step in improving the quantity and quality of water in California.

CALFED is a State and Federal partnership formed to increase water storage and improve water reliability. It is crucial to the future of the home of the State of California. Without clean water or enough water, there can be no development of jobs and housing, I state no development of jobs and housing. And without clean water, my children, my grandchildren or any child cannot enjoy normal, healthy lives.

I am proud to be a co-sponsor of this legislation. I commend the gentleman from California (Mr. CALVERT). I commend the minority leader, the gentlewoman from California (Mrs. NAPOLITANO). I am also proud that this legislation includes the environmental justice language that I promoted. This

bill states that environmental justice a goal of CALFED, making sure that everyone, regardless of race or income deserves the same protections for environment and health hazards.

I recommend and I ask my colleagues to support this legislation. CALFED provides a means to respond to rapid population growths, especially in my area, in my district. California deserves to have a good quality of water and a good quantity of water. And it will help the State of California improve.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise to again extend congratulations, as I did earlier, to my colleagues. I have lived in California since I was a freshman in college since 1971. I remember very vividly during the past 3 decades the constant struggle that has gone on between north and south over this issue of water, the battles over the Colorado River water. And this notion of coming to some kind of reconciliation on a partnership between the State of California and the Federal Government is something that many believed could never ever happen.

Because of the leadership of my colleague, the gentleman from California (Mr. CALVERT), working under the gentleman from California (Mr. POMBO) as chairman of the Committee on Resources, and closely with the gentlewoman from California (Mrs. NAPOLITANO), and I have seen so many Californians involved in this debate here on the House floor. The gentleman from California (Mr. DOOLITTLE) was speaking earlier, and I saw the gentleman from California (Mr. NUNES) talking, and I know we have a couple of people in our delegation who are not on board.

But the fact of the matter is we have been able to, I believe, bring together an overwhelming majority of Democrats and Republicans from California to deal with this very important and pressing need.

Remember, Mr. Speaker, there are 35 million people in our State. And I know that there are a lot of people around here who are not as crazy about California as those of us who represent it, but the fact of the matter is, California, is the largest State in our union, and virtually everyone around the country has some kind of tie to California.

□ 1215

So it is important for us to, as a body and as a government, address this very important need; and so I thank, again, my friend, the gentlewoman from California (Mrs. NAPOLITANO), who has worked so tirelessly. I was very honored to be at a water treatment facility that we have had as we worked to-

gether to deal with groundwater contamination in the area that the gentlewoman from California (Mrs. NAPOLITANO) and I represent with the discovery of per chlorate, which has created very serious problems. We have come together in a bipartisan way to address water issues, and passage of this legislation is going to be a great testament to the bipartisanship of our delegation.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to acknowledge also the great work of the gentleman from California (Mr. CALVERT), the chairman, and the gentlewoman from California (Mrs. NAPOLITANO), the ranking member, for their tireless efforts in bringing about a much-needed piece of legislation. These two leaders have done a yeoman's job for us in bringing H.R. 2828, and they have come to my district many times to hold hearings on this issue of water.

I would like to specifically thank the chairman and the ranking member for including the strong water use efficiency section in H.R. 2828. This section will meet my community's strong demand for water supply and reliability, not by taking more water from the Bay-Delta ecosystem, not taking more water from the Colorado River in our neighboring States, but from recycling and cleaning up Southern California's existing water supply and investing in sea water desalination projects.

H.R. 2828 specifically clarifies that in addition to recycling and desalination projects, groundwater cleanup projects for contaminants such as per chlorate, nitrates, and volatile organic compounds will qualify for CALFED program funding.

Continued Federal investment in desalination technology, such as the one in Long Beach, will verify and further develop energy savings and optimize the process so that it can be enlarged and duplicated throughout the United States.

The Long Beach Water Department's desalination pilot plant is on the cutting edge, and I am looking forward to seeing this technology fully developed.

Again, I support and commend these two for their outstanding work.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, I would like to take my short time to address all those Members of the House of Representatives who are not from California. They do create a majority in this body after all.

We have a rather unique situation with the chairman of the full committee from California, the ranking member of the subcommittee from

California, and the chairman of the subcommittee from California; but that is not what is important.

What is important for my colleagues not from California to understand is this is a State of more than 30 million people that has a significant impact on the economy of the United States and, frankly, the quality of life in the United States.

In the 1930s, the Federal Government began developing the water resources on the east side of California. Californians in the 1960s took the responsibility on themselves to build a multi-billion dollar water project on the west side of California.

They have been discussing CALFED. The State and the Federal Government water projects have never been coordinated, and the resources of California have never been maximized for the benefit both of the environment and the economy and individuals.

Our colleague, the gentlewoman from California (Mrs. NAPOLITANO), talked about the fact that as other States, Arizona and others in the area of the Colorado River, have gained population, California is using a source of water that we have relied on for a long time. This is the first time that we have not had a partisan fight; that we are not going to have a regional fight; and that California has come together to begin to solve the water problems of the largest State in the Union.

I would ask my colleagues, if they are not from California, witness the bipartisanship, witness finally in California the understanding that north and south need to work together, and please, give us a strong vote on this legislation which is important to California and important to the United States.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I regretfully rise in opposition to the bill as it currently is constructed; and as a Californian, I fully understand the urgent need to pass legislation to reauthorize CALFED; but if we fail to reauthorize this program, we will sacrifice millions of dollars scheduled to go to important water infrastructure projects. But in its current form, this legislation will jeopardize the delicate balance of water interests in California that we have worked so hard to achieve and make it more difficult for us to reauthorize CALFED.

Instead of codifying the Record of Decision that was agreed to in the CALFED process, this bill disrupts the balance that it created. This bill sets the dangerous precedent of authorizing large-scale projects before they have undergone comprehensive review and analysis. The preauthorization language is bad policy and bad politics.

The gentleman from California (Mr. GEORGE MILLER), the gentleman from West Virginia (Mr. RAHALL), and I will offer a motion to recommit this bill

that would strip the preauthorization language from the legislation. I urge my colleagues to support the motion so that we can pass a CALFED bill this year and get it signed by the President.

Mr. CALVERT. Mr. Speaker, I yield myself what time I may consume for a short comment.

Congressional approval of water projects from planning through construction is not a new concept. The Corps of Engineers has authority through the Water Resources Development Act, WRDA, to implement projects following a favorable Chief's, or some people call it feasibility, report.

Through WRDA, Congress approves projects from planning through construction, subject to the conditions stated in a favorable Chief's report. Numerous examples of the corps' projects can be found in WRDA 1996, WRDA 1999, and WRDA 2000 which authorize construction following a favorable Chief's report.

In the last three WRDAs, over 50 projects were approved from planning through construction, with conditional authorization subject to a favorable Chief's report. New projects were conditionally authorized, and there were additional project modifications that were conditionally authorized.

WRDA projects conditionally authorized included the Bel Marin Keys Unit, California, well over \$100 million; Kill Van Kull, New York and New Jersey navigation project, \$325 million authorization to \$750 million; the Savannah Harbor Expansion navigation project \$230 million, and I can go on and on and on.

Are my colleagues saying we should replace the 120-day congressional authorization which is in the present bill with extensively used WRDA language that Congress has accepted and continues to support?

H.R. 2828 includes provisions that approve water recycling projects from planning through construction which was proposed by the Southern California Democrats. By the way, these four projects that are in this bill are in the Record of Decision which has been negotiated over the years, as all my friends know, and a very difficult negotiation, to bring this process of CALFED in a balanced manner forward.

So I would say to my colleagues, this is nothing new. People would like to see these projects built if, in fact, they are feasible; and all the environmental processes, NEPA, CEPA, Endangered Species Act, et cetera, et cetera, et cetera, must be met to make sure that these projects are viable and feasible under the law.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman

for yielding time to me, and I want to commend her for her work on this legislation, also to the gentleman from California (Mr. CALVERT) for all of his work on this legislation.

Regretfully, I must oppose this legislation because I think at the moment, as this is currently drafted, this legislation fails to address what is, I believe, a fatal defect. Not only do I think it will delay the consideration of this legislation for a successful passage through the Congress, I also believe that it has a very real possibility of throwing much of this legislation back into the court, something we are trying to avoid with the CALFED process, and that is, the preauthorization of future California water projects.

I appreciate what the gentleman said about WRDA; but I think if he takes a close look at WRDA he will find, in fact, it is a much different process than what we envision here. In fact, the language of this legislation says that virtually any water project or water supply or water yield can move into construction after a feasibility study. It does not say a favorable report, as it says in the WRDA or the Chief's. It simply says if you have the feasibility study, you can move on; and I think what, in fact, we will see is that those people who are critics of many of the projects that all of us support in this legislation will start to raise Cain at the local level about the process being rigged.

They will take this to the courts, take this to the bow, and we will go through a process that is just going to be unacceptable in terms of meeting the goals that the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) have for this legislation.

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would inform the House that the gentleman from California (Mr. CALVERT) has 11 minutes remaining. The gentlewoman from California (Mrs. NAPOLITANO) has 21 minutes remaining.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I would like to enter into a colloquy with the gentleman from California (Mr. CALVERT).

I rise in support, full support and strong support, of H.R. 2828. I think maximizing the use of our limited water resources in California is an issue that is close to my Orange County district, and it is close to me.

In fact, the gentleman from California (Mr. GARY G. MILLER) and I are the sponsors of a bill, H.R. 1156, which would allow Orange County to complete its revolutionary Groundwater Replenishment System. That system would create a new water supply of 72,000 acre feet per year and serve 2.3 million residents of the north and central portion of Orange County.

The bill would increase the authorized Federal share for this project from

\$20 million to \$80 million, and I would like to inquire if the Chairman continues to support this very important bill that, unfortunately, is not in this good CALFED bill, but which is very important to Orange County.

Mr. CALVERT. Mr. Speaker, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. I yield to the gentleman from California.

Mr. CALVERT. Mr. Speaker, I thank the gentlewoman for her support and inquiry.

As the gentlewoman knows, I strongly support recycling as a way to reduce Southern California's dependence on imported water and help drought-proof the region. That is why I supported H.R. 1156, a bill championed by our colleagues, the gentleman from California (Mr. ROHRBACHER), whose district includes the Groundwater Replenishment System, and the gentlewoman here today from the 47th district.

I am fully supportive of House passage of H.R. 1156, H.R. 2991, introduced by our colleague the gentleman from California (Mr. DREIER), and other recycling bills reported by the House Committee on Resources, but I know that it is up to the leadership on both sides of the aisle to determine which bills are debated on the House floor.

In the meantime, I will continue to strongly support H.R. 1156, and I thank the gentlewoman's support for H.R. 2828.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I ask the support of our colleagues for this bill on the floor today.

Mrs. NAPOLITANO. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from Southern California (Mr. FILNER).

(Mr. FILNER asked and was given permission to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I rise to engage in a colloquy with the gentleman from California (Mr. CALVERT), the chairman, on an issue which I would hope to have seen more about in this bill, and that is the restoration of the Salton Sea.

As we know, an earlier version of the bill provided for a feasibility study and \$300 million in restoration funds. We all know about the importance of the Salton Sea in our ecology and in our economy. It is critical for the Pacific flyway for migratory birds, as well as the Colorado River's delta, and is home to a variety of wildlife, including fish, birds, microbes, and wetlands species. The sea also provides many recreational opportunities such as camping, bird watching, fishing, boating, hiking, hunting, and off-roading.

If the sea were no longer able to support life, it would cause irreparable harm to Southern California's ecosystem and economy.

The Salton Sea lies mostly in my district in Southern California. It is the third largest saline lake in the nation, and the largest inland body of water west of the Rockies. The Sea

is an important natural resource, one that is valued not only by residents of the area, but also by the many who come from around the country to enjoy its bounty.

The Salton Sea does not have an outlet to keep the water fresh, so as water evaporates from the saline lake, the salt left behind continues to concentrate. As the salinity of the Sea continues to rise, and the environmental quality continues to decline, it will no longer be able to support life and will begin to die. If that were to happen, it will cause irreparable harm to Southern California's ecosystem and economy.

The surrounding areas of the Coachella and Imperial Valleys rely on the Sea to support their agricultural and recreational economies. I share the concerns of many about what might occur if the elevation of the Sea drops, becomes too saline to support fish or birds, and further impairs air quality due to blowing sediment.

The Salton Sea is also an essential link in increasing and diversifying our domestic water resources, and therefore needs funding for restoration. A recently signed federal water transfer agreement between Southern California water agencies will reduce flows to the Salton Sea. While the water transfer will assist Southern California in staying within its Colorado River water allocation, inflows to the Sea may be reduced dramatically. With that diminished amount of inflow, the Salton Sea presents a particularly difficult challenge in protecting and restoring it, while at the same time reducing California's use of Colorado River water.

The gentleman from California (Mr. CALVERT) has been very supportive of the Salton Sea and has been involved in this issue for well over a decade.

I would like to inquire as to further support of the Salton Sea as part of the CALFED legislative process, and would ask for the gentleman to comment on that.

Mr. CALVERT. Mr. Speaker, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from California.

Mr. CALVERT. Mr. Speaker, I thank the gentleman for his support of the Salton Sea. I would like to assure him that I and many of our Southern California colleagues, including the gentlewoman from California (Mrs. BONO) and certainly the gentleman from California (Mr. HUNTER), continue to strongly support the restoration of the Salton Sea, and we will work with him and others in our delegation to continue these efforts.

Mr. FILNER. Mr. Speaker, I thank the distinguished gentleman and look forward to that work and urge support of the bill.

□ 1230

Mr. CALVERT. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I rise today to enter into a very brief colloquy with the chairman of the subcommittee; that being, does this bill change existing law as it relates to area of origin?

Mr. CALVERT. Mr. Speaker, will the gentleman yield?

Mr. OSE. I yield to the gentleman from California.

Mr. CALVERT. Mr. Speaker, the answer to the gentleman's question is: No.

Mr. OSE. Mr. Speaker, I thank the gentleman.

Mrs. NAPOLITANO. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I rise today to urge my colleagues to support an issue that has been addressed in this House for nearly a decade yet has never made it quite this far before today. This is an enormous accomplishment and I applaud my colleagues, the gentleman from California (Mr. POMBO), the gentlewoman from California (Mrs. NAPOLITANO), and our subcommittee chairman, the gentleman from California (Mr. CALVERT), as well as our esteemed Senator from California, Senator FEINSTEIN, for overcoming numerous hurdles that have prevented this issue from passing in recent years.

This is an immense amount of work from both sides of the aisle and both Chambers that has gone into this measure; and, finally, we are poised to formalize our commitment to ensuring a safe, reliable water supply for California.

This proposal will greatly strengthen California's agricultural economy as well as address the needs of a fast-growing population, while at the same time maintaining our commitment to the environment. In fact, I believe this bill strongly enhances the environment and, in particular, the Delta of California.

This delicate balance, while difficult to achieve, is critical to the success of CALFED. In my mind, the true test of the value of the bill is whether it has achieved a level of compromise. While no one is completely satisfied with this measure, everyone's concerns were considered and addressed. This measure passes the test by leaps and bounds. This bill has brought together parties that in the past have had conflicts that have just torn the State apart. These stakeholders have worked diligently now for years to develop some creative opportunities for additional conveyance, while addressing some of the extremely tough water quality and water supply challenges in California.

Mr. Speaker, time is of the essence. If the Federal Government does not act now on this legislation, the future of CALFED and our agricultural economy and viability hangs in the balance. I believe that those of us who have pushed for additional surface storage are finally being heard. These projects are critical to California's future and must move forward now without pure obstructionists standing in the way.

This is a good bill for the environment, this is a good bill for the economy, and it is a good bill for California. I urge my colleagues to vote "aye."

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have been going through trying to get reauthorization for CALFED for a number of years and have been unable to because of the differences of opinions from many areas of needs. I think it is time that we move forward and begin to work on getting this CALFED passed, which has had a lot of give on the side that we have been working on, and for that, I thank the chairman.

We look forward to making sure that we continue to work on anything else that some of my colleagues might want on another venue, and I certainly would urge all my colleagues, Democrat and Republican, to vote for this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume to close, and I want to again thank the gentlewoman from California (Mrs. NAPOLITANO) for her good work and her dedication on this legislation. She spent many hours and much of her time traveling through the State of California and throughout the western United States as we came to understand the issue of water.

There are very few subjects that bring out more emotion and passion than water, and certainly I have grown to understand the subject much better over the last number of years. I am looking forward to passing this bill today and moving ahead.

Mr. HERGER. Mr. Speaker, I rise today to oppose the bill offered by my good friend from California and Chairman of the Resources Subcommittee on Water and Power, Congressman KEN CALVERT.

Mr. Speaker, on balance, H.R. 2828 is not a good bill for rural Northern California. While it takes some positive steps forward to improve the administration of CALFED by instituting greater financial accountability and ecosystem reporting requirements, it still allows the implementation of an expensive, and ill-advised program that has not produced storage nor positive results for Northern California. The bill basically adopts and focuses on the CALFED Record of Decision (ROD) as a framework, which does not provide a comprehensive water solution for the State. CALFED has always been heavily weighted toward ecosystem restoration and increasing exports from the Delta. I don't see that changing sufficiently under this bill. New storage under CALFED has been only empty promises, and the language in H.R. 2828 doesn't ensure otherwise. The state should take a new direction that places a greater emphasis on water storage and constrains the ability of state and federal agencies to buy more land and water. In short, there is not much to be gained, but much to be lost under H.R. 2828 for our area. As such, I strongly oppose it.

I originally supported the CALFED program in concept. Recognizing the very serious water challenges facing our state, I shared the view held by many other Members of Congress from California that such a joint state-federal program could provide an opportunity for developing a framework to solve our water woes for the long-term. Unfortunately, rather than providing a realistic solution to allow the water

interests in the state to “get well together,” as CALFED had originally promised, the program has become heavily weighted toward ecosystem restoration and focused on buying land and water to shift around already constrained water supplies, rather than on developing new water storage to meet our state’s growing water needs. In addition, there has never been sufficient local control. Instead, federal agencies have been empowered to make important decisions about land and water resources impacting communities.

California faces a water deficit of potentially crisis proportions. The water supply in the state is already stretched to its practical limits. To put the current situation in perspective, recognize that the State Water Project was constructed when California’s population was only 16 million people. Today it is over 34 million, and growing at a rate of roughly 600,000 new citizens a year. Yet California’s water supply yield has increased by a mere 2 percent over the last 20 years. And the California Water Plan Update, Bulletin 160–98 from a few years ago indicates that existing supply shortages will get appreciably worse over the next 20 years as the state’s population continues to increase. Water deficits are projected to reach approximately 2.4 million acre feet in an average water year and 6.2 million acre feet in drought years by the year 2020. If history is any guide, Californians are likely to face major drought conditions not unlike the 500-year drought that is currently plaguing the Colorado basin states some time in the near future. Yet despite this pending crisis, the central focus of the CALFED program has been a plethora of costly environmental projects and plans to increase ability of the State and Federal water projects to move more water to Southern California.

CALFED has failed to make the hard decisions necessary to meet this incredible challenge. While it publicly recognizes water shortfalls, the storage solutions it has proposed will not provide sufficient supply benefits. A new Sites Reservoir, raising Shasta Dam and augmenting Los Vaqueros could be essential pieces of our water puzzle, but my concern is they really won’t inject significant additional water “yield” into the system. CALFED has taken solutions such as an Auburn Dam, a Yuba Dam, and other on-stream reservoirs off the table because of the environmental controversy they might cause, despite the fact that they present opportunities for new cost-effective water supplies, and provide other benefits like flood control, electricity generation and recreation.

Our current situation is so desperate, and the possible impacts to the economy and public safety of another sustained drought so horrific, that we’re not in a position to take these options off the table because they’re politically unpalatable. To the contrary, we should be vigorously pursuing them, setting deadlines and goals, streamlining environmental review requirements, and updating federal laws to ensure cost-effective, feasible projects will actually be built and provide water to communities and farmers. Yet, despite several years and millions of dollars of investments from the state and federal government, CALFED has only studied and restudied a limited number of small storage options, without moving the ball down the field. Meantime, our water needs continue to grow dramatically. Fundamentally, when the problem is too many people and not

enough water, I believe the answer is to create additional water storage, not sacrifice some parts of the state, including California’s thriving agriculture industry, so others can get better. Carving up and reallocating an already constrained water system will not allow everyone to “get well together.”

The “Water Supply, Reliability and Environmental Improvement Act” takes some positive steps forward in some areas, and will institute some accountability into a program that desperately needs it. For example, CALFED has spent taxpayer dollars without Congress or the public knowing or understanding where those funds have gone, and what the benefits for the state have been. H.R. 2828’s financial reporting requirements will help Congress better track those expenditures. In addition, the annual reporting requirements for ecosystem restoration provided for in the bill will help Congress better monitor those projects, including land and water purchases. The bill also clarifies that local fish screen projects are a legitimate and helpful way to help local farmers meet federal and state endangered species requirements. I believe each of these program changes represent positive steps forward.

That being said, I do not feel this bill goes far enough to fix a program that is fundamentally flawed and moving in the wrong direction. While its expedited “preauthorization” process for CALFED storage projects elevates storage as a principle and could set an important new precedent for future infrastructure development, it appears to authorize only those projects approved pursuant to the CALFED ROD. I have long argued that CALFED’s storage proposals are woefully insufficient to address our state’s water needs. According to some estimates, a small Shasta raise, a new Sites Reservoir and a project at Los Vaqueros—the CALFED ROD’s storage projects—the approximate yield would be only about 300,000 acre feet—far short of addressing a water shortfall in the millions of acre feet.

The bill also does not require expedited consideration for these projects. We have seen time and again how CALFED has dithered and stalled in pursuing new storage. In my view, a responsible CALFED should set hard and fast deadlines and move storage forward on an aggressive schedule. Moreover, the federal environmental review process, as we have seen on forest health projects, can take years and cost millions of dollars, only to be obstructed in the end by radical environmentalists through appeals and court challenges. The bill does not recognize and address those hard realities. In my view, it doesn’t do enough to streamline the environmental review process, or to address the obstacles that unbalanced environmental laws are likely to pose to their ultimate development.

There is nothing in the bill to prevent CALFED agencies from continuing to purchase land and water as proposed in the ROD. Indeed, the bill explicitly authorizes the purchase of land and water as an acceptable CALFED activity under existing authority. And while there are reporting requirements, the impetus is on Congress to specifically defund these agency-approved acquisitions, rather than on the agencies to ask Congress to specifically approve and justify them. Because of the community impacts and private property rights concerns of additional land and water

acquisitions, it should be the other way around.

I am also concerned by proposals to place the burden of CALFED funding on the shoulders of Sacramento Valley water users, but I understand Chairman Calvert has attempted to address that issue. In accordance with language contained in the report accompanying H.R. 2828, the “beneficiary pays” principle specifically applies to direct beneficiaries of projects that improve the Delta. According to this principle, project participants in the CALFED solution area are not considered direct beneficiaries of the CALFED program. Therefore, Sacramento Valley water users who participate in projects to improve the Delta are not subject to any fees or taxes imposed on beneficiaries of the CALFED program.

In closing, something needs to be done—and soon—about the water situation in California. It is only getting worse with each passing day. Today’s legislation takes some positive steps forward and I commend my colleagues for their efforts in this regard. However, I fear that the task at hand is so great that unless stronger and more aggressive changes are made to the CALFED program, the state will fail to meet today’s and tomorrow’s infrastructure challenges.

Mr. SMITH of Michigan. Mr. Speaker, I oppose H.R. 2828, the California Water Bill because it preauthorizes wasteful projects.

It forces federal taxpayers to pick up more than a \$1.5 billion tab for a California-only project. It would not prevent taxpayers from getting stuck with the cost for large water projects, and would open the Federal treasury to raids by disingenuous water users. H.R. 2828 would “preauthorize” major water projects. A “yes” vote on H.R. 2828 would mean Congress gives up its long-standing right to have a say over taxpayer funded projects. Why should the rest of the country pay for California’s water problem? They have 35 million taxpayers to pay for it.

Mr. DREIER. Mr. Speaker, I rise today in strong support of the Water Supply, Reliability and Environmental Improvement Act, H.R. 2828, widely known as CALFED. The mission of the CALFED Bay-Delta Program is to develop and implement a long-term comprehensive plan that improves water management for beneficial uses of the Bay-Delta System. The San Francisco Bay/Sacramento-San Joaquin Delta Estuary, the Bay-Delta, is a region of critical importance to California, often described as the hub of the State’s water supply system.

The authorization of the CALFED program has been a priority for California and its neighboring States for many years. And while the existing program has accomplished a great deal in managing our water supply and improving the ecosystem of the Bay-Delta, this bill provides the comprehensive Congressional accountability it has been lacking. H.R. 2828 provides the authority for Federal agencies to fully engage in a partnership with the State of California and the stakeholders of the CALFED program.

We have also long recognized the importance of improving management and coordination of existing water supply projects for meeting present and future water demands. Preserving and enhancing the ecosystem, while developing new sources of water for growing consumptive needs, and allocating existing

supplies to meet changing demands, is a great challenge.

This challenge was met head on by the House Resources Committee under the leadership of Chairman RICHARD POMBO, and Subcommittee on Water and Power Chairman KEN CALVERT. I congratulate both of them for their extraordinary work in achieving this level of negotiation, compromise, and support. What is even more remarkable is that the work produced by Mr. CALVERT will be voted on today without any amendments offered to it on the House floor, with the exception of the substitute that he crafted. This is a testament to his tenacity in providing Californians with the best water plan possible.

I also know that Mr. CALVERT and this legislation have widespread support back home in California, beginning with Governor Arnold Schwarzenegger. One of his first acts as then Governor-Elect in late October, 2003, was to send a strong letter of support for CALFED legislation to Congress expressing his desire to see Mr. CALVERT's legislation succeed and making CALFED authorization a priority for the State.

H.R. 2828 will provide a long-term comprehensive plan to address challenges in the Bay-Delta region by balancing water resource management issues including supply, quality, and ecosystem restoration. I strongly urge my colleagues to vote for the Water Supply, Reliability and Environmental Improvement Act.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased that today the House is considering H.R. 2828, the Water Supply Reliability, and Environmental Improvement Act.

This bill reauthorizes the CALFED Bay-Delta Program, a Federal-State cooperative effort to manage water resources in California.

The purpose of the program is to increase the supply of available water for municipal, agricultural, and industrial use, and to engage in watershed restoration.

Water is a very precious resource, particularly in the West.

The supply of water is governed by State law. However, many Federal and State programs and projects also manage water resources and impact water supply.

Eighteen Federal and State agencies are partners in the CALFED program. Two of those agencies, the Environmental Protection Agency and the Army Corps of Engineers, fall under the jurisdiction of the Transportation and Infrastructure Committee.

EPA has some existing authorities that can help meet the goals of the CALFED program. The Corps also has many water resources development projects either under study or under construction in the Bay-Delta area, including the Sacramento/San Joaquin river basins comprehensive study.

This legislation does not authorize any EPA programs or Corps projects, even if a project is specifically mentioned in the August 28, 2000, programmatic record of decision that H.R. 2828 establishes as the general framework for addressing the CALFED program.

EPA and Corps activities in furtherance of the CALFED program must fall under existing authorities and nothing in this bill changes those authorities, or directs the USA of EPA or Corps funds.

Additional Corps projects in the Bay-Delta area may be authorized later, but those projects will go through the regular Corps of Engineers feasibility study process and regular

authorization process in a water resources development act.

This does not mean that EPA and the Corps are not full participants in the CALFED program. In carrying out existing programs and projects, EPA and the Corps will coordinate their activities with all the Federal agencies participating in CALFED, and the State of California.

I congratulate Mr. CALVERT and Mr. POMBO for bringing this legislation to the House floor. It has been a long time coming and reflects a lot of hard work by many Members.

I urge all Members to support this bill.

Mr. CALVERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CALVERT

Mr. CALVERT. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CALVERT:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Supply, Reliability, and Environmental Improvement Act".

TITLE I—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "California Water Security and Environmental Enhancement Act".

SEC. 102. DEFINITIONS.

In this title:

(1) CALFED BAY-DELTA PROGRAM.—The terms "Calfed Bay-Delta Program" and "Program" mean the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State and Federal Agencies in a manner consistent with the Record of Decision.

(2) CALIFORNIA BAY-DELTA AUTHORITY.—The terms "California Bay-Delta Authority" and "Authority" mean the California Bay-Delta Authority, as set forth in the California Bay-Delta Authority Act (Cal. Water Code 79400 et seq.).

(3) ENVIRONMENTAL WATER ACCOUNT.—The term "Environmental Water Account" means the cooperative management program established under the Record of Decision.

(4) FEDERAL AGENCIES.—The term "Federal agencies" means—

(A) the Department of the Interior, including—

(i) the Bureau of Reclamation;

(ii) the United States Fish and Wildlife Service;

(iii) the Bureau of Land Management; and

(iv) the United States Geological Survey;

(B) the Environmental Protection Agency;

(C) the Army Corps of Engineers;

(D) the Department of Commerce, including the National Marine Fisheries service (also known as "NOAA Fisheries");

(E) the Department of Agriculture, including—

(i) the Natural Resources Conservation Service;

(ii) the Forest Service; and

(F) the Western Area Power Administration.

(5) GOVERNOR.—The term "Governor" means the Governor of the State of California.

(6) RECORD OF DECISION.—The term "Record of Decision" means the Calfed Bay-Delta Program Record of Decision, dated August 28, 2000.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) STATE.—The term "State" means the State of California.

(9) STATE AGENCIES.—The term "State agencies" means the California State agencies that are signatories to Attachment 3 of the Record of Decision.

(10) WATER YIELD.—The term "water yield" means a new quantity of water in storage that is reliably available in critically dry years for beneficial uses.

SEC. 103. BAY DELTA PROGRAM.

(a) IN GENERAL.—

(1) RECORD OF DECISION AS GENERAL FRAMEWORK.—The Record of Decision is approved as a general framework for addressing the Calfed Bay-Delta Program, including its components relating to water storage and water yield, ecosystem restoration, water supply reliability, conveyance, water use efficiency, water quality, water transfers, watersheds, the Environmental Water Account, levee stability, governance, and science.

(2) REQUIREMENTS.—In General.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities under this title consistent with—

(A) the Record of Decision; and

(B) the requirement that Program activities consisting of protecting drinking water quality, restoring ecological health, improving water supply reliability (including additional storage and conveyance) and water yield, and protecting Delta levees will progress in a balanced manner.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in paragraphs (2) through (5) in furtherance of the Calfed Bay-Delta Program as set forth in the Record of Decision, subject to the cost-share and other provisions of this title, if the activity has been:

(A) subject to environmental review and approval, as required under applicable Federal and State law; and

(B) approved and certified by the relevant Federal agency to be consistent with the Record of Decision and within the scope of the agency's authority under existing law.

(2) MULTIPLE BENEFIT PROJECTS FAVORED.—In selecting projects and programs for increasing water yield and water supply, improving water quality, and enhancing environmental benefits, projects and programs with multiple benefits shall be emphasized.

(3) BALANCE.—The Secretary shall ensure that all elements of the Calfed Bay-Delta Program need to be completed and operated cooperatively to maintain the balanced progress in all Calfed Bay-Delta Program areas.

(4) AUTHORIZATIONS FOR FEDERAL AGENCIES UNDER APPLICABLE LAW.—

(A) SECRETARY OF THE INTERIOR.—The Secretary of the Interior is authorized to carry out the activities described in subparagraphs (A) through (J) of paragraph (5), to the extent authorized under the reclamation laws, the Central Valley Project Improvement Act (title XXXIV of Public Law 102-575; 106 Stat. 4706), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law.

(B) THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency may carry out the activities described in subparagraphs (C), (E), (F), (G), (H), and (I) of paragraph (5), in furtherance of the CalFed Bay-Delta program, to the extent authorized under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and other laws in effect on the day before the date of enactment of this title.

(C) THE SECRETARY OF THE ARMY.—The Secretary of the Army may carry out the activities described in subparagraphs (B), (F), (G), (H), and (I) of paragraph (5), in furtherance of the CALFED Bay-Delta Program, to the extent authorized under flood control, water resource development, and other laws in effect on the day before the date of enactment of this title.

(D) SECRETARY OF COMMERCE.—The Secretary of Commerce is authorized to carry out the activities described in subparagraphs (B), (F), (G), and (I) of paragraph (5), to the extent authorized under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law.

(E) SECRETARY OF AGRICULTURE.—The Secretary of Agriculture is authorized to carry out the activities described in subparagraphs (C), (E), (F), (G), (H), and (I) of paragraph (5), to the extent authorized under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 116 Stat. 134) (including amendments made by that Act), and other applicable law.

(5) DESCRIPTION OF ACTIVITIES UNDER EXISTING AUTHORIZATIONS.—

(A) WATER STORAGE AND WATER YIELD.—Activities under this subparagraph consist of—

(i) FEASIBILITY STUDIES AND RESOLUTION.—

(I) For purposes of implementing the CalFed Bay-Delta Program, the Secretary is authorized to undertake all necessary planning activities and feasibility studies required for the development of recommendations by the Secretary to Congress on the construction and implementation of specific water supply and water yield projects, and to conduct comprehensive water management planning.

(II) FEASIBILITY STUDIES REQUIREMENTS.—All feasibility studies completed for storage projects as a result of this section shall include identification of project benefits and beneficiaries and a cost allocation plan consistent with the benefits to be received, for both governmental and non-governmental entities.

(III) DISAPPROVAL RESOLUTION.—If the Secretary determines a project to be feasible, and meets the requirements under subparagraph (B), the report shall be submitted to Congress. If Congress does not pass a disapproval resolution of the feasibility study during the first 120 days before Congress (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) the project shall be authorized, subject to appropriations.

(ii) WATER SUPPLY AND WATER YIELD STUDY.—The Secretary, acting through the Bureau of Reclamation and in consultation with the State, shall conduct a study of available water supplies and water yield and existing demand and future needs for water—

(I) within the units of the Central Valley Project;

(II) within the area served by Central Valley Project agricultural water service contractors and municipal and industrial water service contractors; and

(III) within the Bay-Delta solution area.

(iii) RELATIONSHIP TO PRIOR STUDY.—The study under clause (ii) shall incorporate and revise as necessary the study required by section 3408(j) of the Central Valley Project Improvement Act of 1992 (Public Law 102-575).

(iv) MANAGEMENT.—The Secretary shall conduct activities related to developing groundwater storage projects to the extent authorized under existing law.

(v) COMPREHENSIVE WATER PLANNING.—The Secretary shall conduct activities related to comprehensive water management planning to the extent authorized under existing law.

(vi) REPORT.—The Secretary shall submit a report to the congressional authorizing committees by not later than 180 days after the State's completion of the updated Bulletin 160 describing the following:

(I) Water yield and water supply improvements, if any, for Central Valley Project agricultural water service contractors and municipal and industrial water service contractors, including those identified in Bulletin 160.

(II) All water management actions or projects, including those identified in Bulletin 160, that would improve water yield or water supply and that, if taken or constructed, would balance available water supplies and existing demand for those contractors and other water users of the Bay-Delta watershed with due recognition of water right priorities and environmental needs.

(III) The financial costs of the actions and projects described under clause (II).

(IV) The beneficiaries of those actions and projects and an assessment of their willingness to pay the capital costs and operation and maintenance costs thereof.

(B) CONVEYANCE.—

(i) SOUTH DELTA ACTIONS.—In the case of the South Delta, activities under this clause consist of the following:

(I) The South Delta Improvement Program through actions to accomplish the following:

(aa) Increase the State Water Project export limit to 8,500 cfs.

(bb) Install permanent, operable barriers in the south Delta. The Federal Agencies shall cooperate with the State to accelerate installation of the permanent, operable barriers in the south Delta, with the intent to complete that installation not later than the end of fiscal year 2007.

(cc) Increase the State Water Project export to the maximum capability of 10,300 cfs.

(II) Reduction of agricultural drainage in south Delta channels, and other actions necessary to minimize the impact of drainage on drinking water quality.

(III) Evaluation of lower San Joaquin River floodway improvements.

(IV) Installation and operation of temporary barriers in the south Delta until fully operable barriers are constructed.

(V) Actions to protect navigation and local diversions not adequately protected by temporary barriers.

(VI) Actions to increase pumping shall be accomplished in a manner consistent with applicable law California and Federal protecting—

(aa) deliveries to, costs of, and water supplies for in-delta water users, including in-delta agricultural users that have historically relied on water diverted for use in the Delta;

(bb) the quality of water for existing municipal, industrial, and agricultural uses;

(cc) water supplies for areas of origin, and

(dd) Delta dependent native fish species.

(ii) NORTH DELTA ACTIONS.—In the case of the North Delta, activities under this clause consist of—

(I) evaluation and implementation of improved operational procedures for the Delta

Cross Channel to address fishery and water quality concerns;

(II) evaluation of a screened through-Delta facility on the Sacramento River; and

(III) evaluation of lower Mokelumne River floodway improvements.

(iii) INTERTIES.—Activities under this clause consist of—

(I) evaluation and construction of an intertie between the State Water Project California Aqueduct and the Central Valley Project Delta Mendota Canal, near the City of Tracy; and

(II) assessment of a connection of the Central Valley Project to the Clifton Court Forebay of the State Water Project, with a corresponding increase in the screened intake of the Forebay.

(iv) PROGRAM TO MEET STANDARDS.—Prior to increasing export limits from the Delta for the purposes of conveying water to south-of-Delta Central Valley Project contractors or increasing deliveries through an intertie, the Secretary shall, within one year of the date of enactment of this title, in consultation with the Governor, develop and initiate implementation of a program to meet all existing water quality standards and objectives for which the CVP has responsibility. In developing and implementing the program the Secretary shall include, to the maximum extent feasible, the following:

(I) A recirculation program to provide flow, reduce salinity concentrations in the San Joaquin River, and reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives through the use of excess capacity in export pumping and conveyance facilities.

(II) The Secretary shall develop and implement a best management practices plan to reduce the impact of the discharges from wildlife refuges that receive water from the federal government and discharge salt or other constituents into the San Joaquin River. Such plan shall be developed in coordination with interested parties in the San Joaquin Valley and the Delta. The Secretary shall also coordinate activities with other entities that discharge water into the San Joaquin River to reduce salinity concentrations discharged into the River, including the timing of discharges to optimize their assimilation.

(III) The acquisition from willing sellers of water from streams tributary to the San Joaquin River or other sources to provide flow, dilute discharges from wildlife refuges, and to improve water quality in the San Joaquin River below the confluence of the Merced and San Joaquin rivers and to reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives.

(IV) Use of existing funding mechanisms.—In implementing the Program, the Secretary may use money collected pursuant to Section 3407 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4727) to acquire from voluntary sellers water from streams tributary to the San Joaquin River or other sources for the purposes set forth in subclauses (I) through (III) of clause (iv).

(V) The purpose of the authority and direction provided to the Secretary in clause (iv) is to provide greater flexibility in meeting the existing water quality standards and objectives for which the Central Valley Project has responsibility so as to reduce the demand on water from New Melones Reservoir used for that purpose and to allow the Secretary to meet with greater frequency the Secretary's obligations to Central Valley Project contractors from the New Melones Project. The Secretary shall update the New Melones operating plan to consider, among other things, the actions outlined in this Act

designed to reduce the reliance on new Melones Reservoir for meeting water quality and fishery flow objectives and to insure that operation of New Melones Reservoir is governed by the best available science.

(C) **WATER USE EFFICIENCY.**—Activities under this subparagraph consist of—

(i) water conservation projects that provide water supply reliability, water quality, and ecosystem benefits to the Bay-Delta system;

(ii) technical assistance for urban and agricultural water conservation projects;

(iii) water recycling and desalination projects, including groundwater remediation projects and projects identified in the Bay Area Water Plan and the Southern California Comprehensive Water Reclamation and Reuse Study and other projects, giving priority to projects that include regional solutions to benefit regional water supply and reliability needs;

(I) The Secretary shall review any feasibility level studies for seawater desalination and regional brine line projects that have been completed, whether or not those studies were prepared with financial assistance from the Secretary.

(II) The Secretary shall report to the Congress not later than 90 days after the completion of a feasibility study or the review of a feasibility study. For the purposes of this Act, the Secretary is authorized to provide assistance for projects as set forth and pursuant to the existing requirements of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-957; title 16) as amended, and Reclamation Recycling and Water Conservation Act of 1996 (Public Law 104-266).

(iv) water measurement and transfer actions;

(v) implementation of best management practices for urban water conservation; and

(vi) projects identified in the Southern California Comprehensive Water Reclamation and Reuse Study, dated April 2001 and authorized by section 1606 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-4); and the San Francisco Bay Area Regional Water Recycling Program described in the San Francisco Bay Area Regional Water Recycling Program Recycled Water Master Plan, dated December 1999 and authorized by section 1611 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-9) are determined to be feasible.

(D) **WATER TRANSFERS.**—Activities under this subparagraph consist of—

(i) increasing the availability of existing facilities for water transfers;

(ii) lowering transaction costs through regulatory coordination; and

(iii) maintaining a water transfer information clearinghouse.

(E) **INTEGRATED REGIONAL WATER MANAGEMENT PLANS.**—Activities under this subparagraph consist of assisting local and regional communities in the State in developing and implementing integrated regional water management plans to carry out projects and programs that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, in a manner that is consistent with, and makes a significant contribution to, the Calfed Bay-Delta Program.

(F) **ECOSYSTEM RESTORATION.**—

(i) **ACTIVITIES UNDER THIS SUBPARAGRAPH CONSIST OF—**

(I) implementation of large-scale restoration projects in San Francisco Bay and the Delta and its tributaries;

(II) restoration of habitat in the Delta, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetland and riparian habitat;

(III) fish screen and fish passage improvement projects; including the Sacramento River Small Diversion Fish Screen Program.

(IV) implementation of an invasive species program, including prevention, control, and eradication;

(V) development and integration of Federal and State agricultural programs that benefit wildlife into the Ecosystem Restoration Program;

(VI) financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities;

(VII) water quality improvement projects to manage and reduce concentrations of salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants;

(VIII) land and water acquisitions to improve habitat and fish spawning and survival in the Delta and its tributaries;

(IX) integrated flood management, ecosystem restoration, and levee protection projects;

(X) scientific evaluations and targeted research on Program activities; and

(XI) strategic planning and tracking of Program performance.

(ii) **ANNUAL ECOSYSTEM PROGRAM PLAN.**—

(I) Prior to October 1 of each year, with respect to an ecosystem restoration action carried out by or for the Secretary, the Secretary shall submit an annual ecosystem program plan report to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives. The purpose of the report is to describe the projects and programs to implement the activities under this subsection in the following fiscal year, and to establish priorities for funding in subsequent years. For the ecosystem program, and each ecosystem project the report shall describe—

(aa) the goals and objectives

(bb) program accomplishments,

(cc) major activities,

(dd) the administration responsibilities of land and water areas and associated environmental resources, in the affected project area including an accounting of all habitat types. Cost-share arrangements with cooperating agencies should be included in the report, and

(ee) the resource data and ecological monitoring data to be collected for the restoration projects and how the data are to be integrated, streamlined, and designed to measure the effectiveness and overall trend of ecosystem health in the Bay-Delta watershed;

(ff) implementation schedules and budgets;

(gg) monitoring programs and performance measures; and

(hh) the status and effectiveness of minimizing and mitigating the impacts of the program on agricultural lands.

(ii) a description of expected benefits of the restoration program relative to the cost.

(II) For Federal projects and programs to be carried out by or for the Secretary not specifically identified in the annual program plans the Secretary, in coordination with the State, shall submit recommendations on proposed plans, not later than 45 days prior to approval, to the Senate Committee on Energy and Natural Resources, the House Resources Committee, and the public. The recommendations shall—

(aa) describe the project selection process, including the level of public involvement and independent science review;

(bb) describe the goals, objectives, and implementation schedule of the projects, and the extent to which the projects address regional and programmatic goals and priorities;

(cc) describe the monitoring plans and performance measures that will be used for

evaluating the performance of the proposed projects;

(dd) identify any cost-sharing arrangements with cooperating entities; and

(ee) identify how the proposed projects will comply with all applicable Federal and State laws, including the National Environmental Policy Act.

(III) Projects involving acquisition of private lands shall be included in subsection (I) of the Annual Ecosystem Program Plan. Each project identified shall—

(aa) describe the process and timing of notification of interested members of the public and local governments;

(bb) minimize and mitigate impacts on agricultural lands;

(cc) include preliminary management plans for all properties to be acquired with Federal funds. Such preliminary management plans shall include an overview of existing conditions, the expected ecological benefits, preliminary cost estimates, and implementation schedules;

(dd) identify federal land acquisition in total, by a county by county basis; and,

(ee) provide a finding of consistency with all applicable State and Federal law.

(G) **WATERSHEDS.**—Activities under this subparagraph consist of—

(i) building local capacity to assess and manage watersheds affecting the Calfed Bay-Delta system;

(ii) technical assistance for watershed assessments and management plans; and

(iii) developing and implementing locally-based watershed conservation, maintenance, and restoration actions.

(H) **WATER QUALITY.**—Activities under this subparagraph consist of—

(i) addressing drainage problems in the San Joaquin Valley to improve downstream water quality (including habitat restoration projects that reduce drainage and improve water quality) if—

(I) a plan is in place for monitoring downstream water quality improvements;

(II) State and local agencies are consulted on the activities to be funded; and

(III) except that no right, benefit, or privilege is created as a result of this clause;

(ii) implementation of source control programs in the Delta and its tributaries;

(iii) developing recommendations through scientific panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in Delta water quality for all uses;

(iv) investing in treatment technology demonstration projects;

(v) controlling runoff into the California aqueduct, the Delta-Mendota Canal, and other similar conveyances;

(vi) addressing water quality problems at the North Bay Aqueduct;

(vii) supporting and participating in the development of projects to enable San Francisco Area water districts and water entities in San Joaquin and Sacramento counties to work cooperatively to address their water quality and supply reliability issues, including—

(I) connections between aqueducts, water transfers, water conservation measures, institutional arrangements, and infrastructure improvements that encourage regional approaches; and

(II) investigations and studies of available capacity in a project to deliver water to the East Bay Municipal Utility District under its contract with the Bureau of Reclamation, dated July 20, 2001, in order to determine if such capacity can be used to meet the objectives of this clause;

(viii) development of water quality exchanges and other programs to make high quality water available for urban and other users;

(ix) development and implementation of a plan to meet all water quality standards for which the Federal and State water projects have responsibility;

(x) development of recommendations through technical panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in water quality for all uses; and

(xi) projects that may meet the framework of the water quality component of the Calfed Bay-Delta Program.

(I) SCIENCE.—Activities under this subparagraph consist of—

(i) supporting establishment and maintenance of an independent science board, technical panels, and standing boards to provide oversight and peer review of the Program;

(ii) conducting expert evaluations and scientific assessments of all Program elements;

(iii) coordinating existing monitoring and scientific research programs;

(iv) developing and implementing adaptive management experiments to test, refine, and improve scientific understandings;

(v) establishing performance measures, and monitoring and evaluating the performance of all Program elements; and

(vi) preparing an annual science report.

(J) DIVERSIFICATION OF WATER SUPPLIES.—Activities under this subparagraph consist of actions to diversify sources of level 2 refuge supplies and modes of delivery to refuges while maintaining the diversity of level 4 supplies pursuant to Central Valley Project Improvement Act section 3406(d)(2), Public Law 102-575 (106 Stat. 4723).

(6) NEW AND EXPANDED AUTHORIZATIONS FOR FEDERAL AGENCIES.—

(A) SECRETARY OF THE INTERIOR.—The Secretary of the Interior is authorized to carry out the activities described in subparagraphs (A), (B), (C) and (D) of paragraph (7) during each of fiscal years 2005 through 2008, in coordination with the State of California.

(B) THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE SECRETARY OF THE ARMY.—The Administrator of the Environmental Protection Agency and the Secretary of the Army may carry out activities described in subparagraph (D) of paragraph 7 during each of fiscal years 2005 through 2008, in coordination with the State of California.

(C) THE SECRETARIES OF AGRICULTURE AND COMMERCE.—The Secretary of Commerce, and the Department of Agriculture, are authorized to carry out the activities described in paragraph (7)(D) during each of fiscal years 2005 through 2008, in coordination with the State of California.

(7) DESCRIPTION OF ACTIVITIES UNDER NEW AND EXPANDED AUTHORIZATIONS.—

(A) CONVEYANCE.—Of the amounts authorized to be appropriated under section 109, not more than \$184,000,000 may be expended for the following:

(i) Feasibility studies, evaluation, and implementation of the San Luis Reservoir lowpoint improvement project and increased capacity of the intertie between the SWP California Aqueduct and the CVP Delta Mendota Canal, near the City of Tracy.

(ii) Feasibility studies and actions at Franks Tract to improve water quality in the Delta.

(iii) Feasibility studies and design of fish screen and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities.

(iv) Design and construction of the relocation of drinking water intake facilities to delta water users. The Secretary shall coordinate actions for relocating intake facilities on a time schedule consistent with subparagraph (5)(B)(i)(I)(bb) or other actions necessary to offset the degradation of drink-

ing water quality in the Delta due to the South Delta Improvement Program.

(v) In addition to the other authorizations granted to the Secretary by this title, the Secretary shall acquire water from willing sellers and undertake other actions designed to decrease releases from New Melones Reservoir for meeting water quality standards and flow objectives for which the Central Valley Project has responsibility in order to meet allocations to Central Valley Project contractors from the New Melones Project. The authorization under this provision is solely meant to add flexibility for the Secretary to meet the Secretary's obligation to the Central Valley Project contractors from the New Melones Project by reducing demand for water dedicated to meeting water quality standards in the San Joaquin River. Of the amounts authorized to be appropriated under paragraph (7)(A), not more than \$15,260,000 may be expended for this purpose.

(B) ENVIRONMENTAL WATER ACCOUNT.—Of the amounts authorized to be appropriated under section 109, not more than \$90,000,000 may be expended for implementation of the Environmental Water Account; *Provided* That such expenditures shall be considered a nonreimbursable Federal expenditure.

(C) LEVEE STABILITY.—Of the amounts authorized to be appropriated under section 109, not more than \$90,000,000 may be expended for—

(i) reconstructing Delta levees to a base level of protection;

(ii) enhancing the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects program;

(iii) developing best management practices to control and reverse land subsidence on Delta islands;

(iv) refining the Delta Emergency Management Plan;

(v) developing a Delta Risk Management Strategy after assessing the consequences of Delta levee failure from floods, seepage, subsidence, and earthquakes;

(vi) developing a strategy for reuse of dredged materials on Delta islands;

(vii) evaluating, and where appropriate, rehabilitating the Suisun Marsh levees; and

(D) PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.—Of the amounts authorized to be appropriated under section 109, not more than \$25,000,000 may be expended by the Secretary or the other heads of Federal agencies, either directly or through grants, contracts, or cooperative agreements with agencies of the State, for—

(i) program support;

(ii) program-wide tracking of schedules, finances, and performance;

(iii) multiagency oversight and coordination of Program activities to ensure Program balance and integration;

(iv) development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision;

(v) coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities in accordance with the Federal Advisory Committee Act (5 U.S.C. App.); and

(vi) development of Annual Reports.

SEC. 104. MANAGEMENT.

(a) COORDINATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall coordinate their activities with the State agencies.

(b) PUBLIC PARTICIPATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through an

advisory committee established in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other appropriate means, to seek input on Program elements such as planning, design, technical assistance, and development of peer review science programs.

(c) SCIENCE.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the Program are subjected to credible and objective scientific review; and

(2) major decisions are based upon the best available scientific information.

(d) ENVIRONMENTAL JUSTICE.—The Federal agencies and State agencies, consistent with Executive Order 12898 (59 FR Fed. Reg. 7629), should continue to collaborate to—

(1) develop a comprehensive environmental justice workplan for the Calfed Bay-Delta Program; and

(2) fulfill the commitment to addressing environmental justice challenges referred to in the Calfed Bay-Delta Program Environmental Justice Workplan, dated December 13, 2000.

(e) LAND ACQUISITION.—Federal funds appropriated by Congress specifically for implementation of the Calfed Bay-Delta Program may be used to acquire fee title to land only where consistent with the Record of Decision and section 103(b)(5)(F)(ii)(I)(jj).

(f) AGENCIES' DISCRETION.—This title shall not affect the discretion of any of the Federal agencies or the State agencies or the authority granted to any of the Federal agencies or State agencies by any other Federal or State law.

(g) NO NEW AUTHORITY.—The United States Environmental Protection Agency and the United States Army Corps of Engineers.—

(1) IN GENERAL.—Nothing in this title confers any new authority, except as provided under section 103(b)(7)(D) to the United States Environmental Protection Agency and the United States Army Corps of Engineers.

(2) COORDINATION.—In carrying out activities identified in the Record of Decision under authorities provided under other provisions of law, the United States Environmental Protection Agency and the United States Army Corps of Engineers shall coordinate such activities with Federal agencies and State agencies.

(h) GOVERNANCE.—

(1) IN GENERAL.—In carrying out the Calfed Bay-Delta Program, the Secretary and the Federal agency heads may participate as nonvoting members of the California Bay-Delta Authority, as established in the California Bay-Delta Authority Act (Cal. Water Code 79400 et seq.), to the extent consistent with Federal law, for the full duration of the period the Authority continues to be authorized by State law.

SEC. 105. REPORTING REQUIREMENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than February 15 of each year, the Secretary, in cooperation with the Governor, shall submit to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives a report that—

(A) describes the status of implementation of all components of the Calfed Bay-Delta Program;

(B) sets forth any written determination resulting from the review required under subsection (b); and

(C) includes any revised schedule prepared under subsection (b).

(2) CONTENTS.—The report required under paragraph (1) shall describe—

(A) the progress of the Calfed Bay-Delta Program in meeting the implementation

schedule for the Program in a manner consistent with the Record of Decision;

(B) the status of implementation of all components of the Program;

(C) expenditures in the past fiscal year for implementing the Program;

(D) accomplishments during the past fiscal year in achieving the objectives of additional and improved—

(i) water storage, including water yield;

(ii) water quality; including the progress in achieving the water supply targets as described in Section 2.2.4 of the Record of Decision, the environmental water account requirements as described in Section 2.2.7, and the water quality targets as described in Section 2.2.9, and any pending actions that may affect the ability of the Calfed Bay-Delta Program to achieve those targets and requirements.

(iii) water use efficiency;

(iv) ecosystem restoration;

(v) watershed management;

(vi) levee system integrity;

(vii) water transfers;

(viii) water conveyance; and

(ix) water supply reliability;

(E) program goals, current schedules, and relevant financing agreements;

(F) progress on—

(i) storage projects;

(ii) conveyance improvements;

(iii) levee improvements;

(iv) water quality projects; and

(v) water use efficiency programs;

(G) completion of key projects and milestones identified in the Ecosystem Restoration Program; including progress on project effectiveness, monitoring, and accomplishments;

(H) development and implementation of local programs for watershed conservation and restoration;

(I) progress in improving water supply reliability and implementing the Environmental Water Account;

(J) achievement of commitments under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and endangered species law of the State;

(K) implementation of a comprehensive science program;

(i) progress on project effectiveness;

(L) progress toward acquisition of the Federal and State permits (including permits under section 404(a) of the Federal Water Pollution Control Act (33 U.S.C. 1344(a))) for implementation of projects in all identified Program areas;

(M) progress in achieving benefits in all geographic regions covered by the Program;

(N) legislative action on—

(i) water transfer;

(ii) groundwater management;

(iii) water use efficiency; and

(iv) governance issues;

(O) the status of complementary actions;

(P) the status of mitigation measures;

(Q) revisions to funding commitments and Program responsibilities; and

(R) a list of all existing authorities, including the authorities listed in section 103(b)(4) provided by the relevant Federal agency, under which the Secretary or the heads of the Federal agencies may carry out the purposes of this title."

(b) ANNUAL REVIEW OF PROGRESS AND BALANCE.—

(1) IN GENERAL.—Not later than November 15 of each year, the Secretary, in cooperation with the Governor, shall review progress in implementing the Calfed Bay-Delta Program based on—

(A) consistency with the Record of Decision; and

(B) balance in achieving the goals and objectives of the Calfed Bay-Delta Program.

(2) REVISED SCHEDULE.—If, at the conclusion of each such annual review or if a timely annual review is not undertaken, the Secretary, or the Governor, determine in writing that either the Program implementation schedule has not been substantially adhered to, or that balanced progress in achieving the goals and objectives of the Program is not occurring, the Secretary, in coordination with the Governor and the Bay-Delta Public Advisory Committee, shall prepare a revised schedule to achieve balanced progress in all Calfed Bay-Delta Program elements consistent with the Record of Decision.

(c) FEASIBILITY STUDIES.—Any feasibility studies completed as a result of this title shall include identification of project benefits and a cost allocation plan consistent with the beneficiaries pay provisions of the Record of Decision.

SEC. 106. CROSSCUT BUDGET.

(a) IN GENERAL.—The President's budget shall include such requests as the President considers necessary and appropriate for the level of funding for each of the Federal agencies to carry out its responsibilities under the Calfed Bay-Delta Program.

(b) REQUESTS BY FEDERAL AGENCIES.—The funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of the funds, in accordance with paragraphs (2) through (5) of section 103(b).

(c) REPORT.—Not later than 30 days after the submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report certified by the Secretary containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any interagency or intra-agency transfer, for each of the Federal agencies to carry out the Calfed Bay-Delta Program for the upcoming fiscal year, separately showing funding requested under both pre-existing authorities and under the new authorities granted by this title; and

(B) identifies all expenditures since 1998 by the Federal and State governments to achieve the objectives of the Calfed Bay-Delta Program;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and State agencies responsible for implementing the Calfed Bay-Delta Program during the previous fiscal year;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b); and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b).

SEC. 107. FEDERAL SHARE OF COSTS.

(a) IN GENERAL.—The Federal share of the cost of implementing the Calfed Bay-Delta Program for fiscal years 2005 through 2008 in the aggregate, as set forth in the Record of Decision, shall not exceed 33.3 percent.

(b) CALFED BAY-DELTA PROGRAM BENEFICIARIES.—The Secretary shall ensure that all beneficiaries, including the environment, shall pay for benefits received from all projects or activities carried out under the Calfed Bay-Delta Program. This requirement shall not be limited to storage and conveyance projects and shall be implemented so as to encourage integrated resource planning.

SEC. 108. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water;

(3) preempts or modifies any State or Federal law or interstate compact governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource; and,

(5) alters or modified any provision of existing Federal law, except as specifically provided in this title.

SEC. 109. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to the Secretary and the heads of the Federal agencies to pay the Federal share of the cost of carrying out the new and expanded authorities described in paragraphs (6) and (7) of section 103(b), \$389,000,000 for the period of fiscal years 2005 through 2008, to remain available until expended.

TITLE II—SALTON SEA STUDY PROGRAM

SEC. 201. SALTON SEA STUDY PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a study to determine the feasibility of reclaiming the Salton Sea.

(b) REQUIREMENTS.—The study referred to in subsection (a) shall consider each of the following:

(1) Appraisal investigations.

(2) Feasibility studies.

(3) Environmental Reports.

(4) Cost sharing responsibilities.

(5) Responsibility for operation and maintenance.

(c) REPORT TO CONGRESS.—The Secretary shall submit to Congress the study developed under this section no later than 1 year after the date of enactment.

The SPEAKER pro tempore. Pursuant to House Resolution 711, the gentleman from California (Mr. CALVERT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT) on his amendment.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have been working hard to improve this bill since its introduction. The amendment in the nature of a substitute is a bipartisan amendment that has been carefully crafted based on input from Senator FEINSTEIN and her staff, the administration, the State of California, and water groups. This amendment was not crafted in a vacuum, and I believe it addresses many concerns voiced over the last several weeks.

Reflecting the dynamic that differing regions of California represent, as opposed to the whole State, the amendment also includes necessary policy provisions:

Bay-Delta water quality protections: Bay-Delta water quality issues have not been adequately addressed in the past and they need to be fixed now. It is not fair that the constituents of the gentleman from California (Mr. POMBO), or the constituents of the gentleman from California (Mr. GEORGE MILLER), or the constituents of the gentleman from California (Mr. CARDOZA) should bear the highest water quality burdens because of circumstances outside their control.

These water quality provisions addressed in this bill are the results of discussions between water users throughout California, including in Delta water uses. Most importantly, these provisions do not allow increased pumping unless water quality standards are met.

Water storage: Everyone wants to have more flexibility delivering water supplies throughout the State. Increased storage will give us more flexibility and improve water quality. In fact, my good friends in districts in the Bay area and beyond recently supported the Los Vaqueros expansion for these very purposes. My amendment provides that CALFED storage projects are subject to appropriate feasibility studies and if Congress does not act to disapprove them in 120 days, then construction is authorized.

Ensuring that adequate storage is part of a balanced CALFED is important here since CALFED expenditures so far have been imbalanced. This provision helps develop CALFED storage, and in no way undermines the regulatory process, including the Endangered Species Act, NEPA, SEQA, the Clean Water Act, and a number of other Federal acts and laws. Furthermore, these projects are still subject to appropriations.

Ecosystem restoration: The amendment has a "right to know" provision on how taxpayer dollars are being spent on ecosystem restoration. These provisions ask the Federal agencies to submit a management plan for CALFED-related ecosystem projects. These management plans would require a cost analysis, possible alternatives, disclosure of impacts, and required mitigation. All other projects, like storage projects, require much more detailed feasibility reports. We are only asking for a management plan that sits before Congress, which has no veto authority over such a management plan. This is nothing more than a good government plan that in no way hinders ecosystem restoration.

Mr. Speaker, there has never been a water bill that everybody likes. God knows I know that. But this is getting close. We have worked hard to resolve concerns and will continue to work with my colleagues and stakeholders on these issues. We cannot let the perfect be the enemy of the good. I urge my colleagues to support this amendment and the bill.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Does the gentlewoman from California (Mrs. NAPOLITANO) seek to control the time in opposition to the amendment?

Mrs. NAPOLITANO. No, I do not.

The SPEAKER pro tempore. Does any Member seek to control time in opposition?

If not, without objection, the gentlewoman from California (Mrs. NAPOLITANO) may control the time reserved for opposition; and the gentlewoman is recognized for 10 minutes.

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly want to thank my good friend, the chairman of the subcommittee, the gentleman from California (Mr. CALVERT), for accommodating suggestions from minority staff and myself to improve this bill.

In particular, I am very pleased that the language that was inserted earlier in the week to allow the use of Central Valley Project Restoration Fund for the Environmental Water Account purchases has been deleted. This revision would make it clear that the CVP Restoration Fund cannot be used inappropriately.

I am very thankful and look forward to continuing to work on California's water projects, as well as other projects for the rest of the Nation.

Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the amendment has expired.

Pursuant to House Resolution 711, the previous question is ordered on the bill, as amended, and on the further amendment in the nature of a substitute by the gentleman from California (Mr. CALVERT).

The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. CALVERT).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GEORGE MILLER of California. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. George Miller of California moves to recommit the bill H.R. 2828, to the Committee on Resources, with instructions to report the bill forthwith with the following amendment:

Strike Section 103(b)(5)(A)(i)(III).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion to recommit, and every Member of the House who is concerned about runaway spending should join me in this vote.

The motion seeks to delete just one feature of this bill: The so-called "preauthorization of future California water projects" that ends a century of congressional review and design of massive, costly, and sometimes controversial water projects.

Passing this bill without deleting the so-called preauthorization provision grants a blank check to bureaucrats and Federal agencies to spend billions of dollars on dams, conveyance facilities, and other potentially controversial water projects in California without any further authorization by Congress.

This provision grants special privileges to California projects. They alone, not projects in Arizona, Colorado, or New Mexico, or anywhere else in the reclamation west, would be cleared for construction based upon a study done by the planners in the Department of the Interior. A study might reveal serious fiscal, legal, or environmental problems. But the project goes ahead anyway unless Congress passes a bill to stop it. If that bill is not brought to the floor of the House, the project goes forward.

So as projects in other States are forced to wait for bills to pass authorizing their construction, California moves to the front of the line, awaiting no authorization, freed from the scrutiny that will be imposed on projects in every other State. Those of you who have been here for a while know that water projects typically move in packages so that no State is left behind. Well, say goodbye to that process if this bill passes with the California preauthorization process, because many of the biggest, most expensive, most controversial projects will be off and running while you are still in the paddock.

Now, some may ask, why would I, as a Californian, raise this concern? Because I am a strong supporter of CALFED, I am a strong supporter of the record of decision, and I would like to support this legislation. But as the former chairman of both the Subcommittee on Water and Power and the full Committee on Resources, I know that a project that bypasses the authorization process is going to face withering opposition in the appropriations process and in the regulatory and judicial process and among the voters back at home, and that is why I offer this motion to recommit.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the Miller-Tauscher motion to recommit.

As a member of California who represents a large part of the San Francisco Bay-Delta, I fully understand the importance of reauthorizing the CALFED program. Now more than

ever, California needs the Federal Government to be an active financial partner in helping restore the delta's ecosystem and meeting our State's growing water needs.

However, the preauthorization language in this bill severely jeopardizes our ability to renew this critical State-Federal partnership. Not only is it bad economic and environmental policy, but insisting on preauthorization, knowing that the other body will reject it, is a failed strategy for reaching agreement this year. Passing this bill as it is currently drafted is a divisive step that fails to really help Californians.

Mr. Speaker, with less than 30 legislative days remaining in the 108th Congress, we must have a smart strategy to get a CALFED bill done for the people of California before we adjourn. I urge my colleagues to support this motion, which will simply remove one paragraph from the bill and immediately return it to the House for consideration.

Our constituents sent us here to make timely progress on water policies that will help them. Removing this objectionable roadblock provision will help us move forward. I urge my colleagues to support the motion to recommit.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentlewoman for her comments, and say to the House that if this motion is passed, the bill would come back immediately to the House for its consideration and then it would move on to the Senate without this very controversial provision that has substantial Senate opposition and we can get on with passing this bill that the people have worked so terribly hard on and which our State needs.

Mr. CALVERT. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time.

This is not about setting a precedent over the way legislation is done. As the gentleman from California (Mr. CALVERT) has already pointed out, this is done very regularly in the process here.

□ 1245

My colleagues that offer this motion to recommit are not offering a motion to strip out everything that is authorized in this bill. They are only going after specifically the water storage projects. This is a bill that has been in the process, as has been said, many times for over 10 years of trying to come up with a compromise that everybody, Northern California, Southern California, east and west, everybody supported.

We were able to put together a compromise with the good work of the subcommittee chairman and ranking

member, and now we have somebody coming to the floor trying to blow that up. It is the same thing that we fought through with all of the water problems in California. You always have somebody who thinks they did not get everything they wanted or that somebody else may be getting something, and they try to blow it up. That is exactly what is going on here.

I urge my colleagues to vote against the motion to recommit.

Mr. CALVERT. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. NAPOLITANO), the ranking Democrat.

Mrs. NAPOLITANO. Mr. Speaker, I rise in opposition to the motion to recommit on H.R. 2828. The passage of this motion would prevent a bipartisan measure from moving forward, and we have worked in good faith with the chairman and his staff to try to develop the California water bill. And I know, as has been said, we do not all get what we want. I know I did not get everything I needed and wanted.

The gentleman from California (Chairman CALVERT) has stripped numerous provisions that I objected to, including language relating to the Clean Water Act, the Beneficiary Pays, the role of the Record of Decision, and the role of the Interior Department in implementing the CALFED program.

I am sympathetic to the issue. However, I cannot support this motion to recommit at this time.

Mr. CALVERT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I regretfully rise in opposition to this motion. H.R. 2828 has been negotiated in a bipartisan manner, and I have been pleased to be part of such a fair and open process. The gentleman from California (Chairman POMBO) and the gentleman from California (Mr. CALVERT) have maintained a very open process, as both the gentlewoman from California (Mrs. NAPOLITANO) and I can attest.

The majority has accepted several of the requests that were put forward by the Democratic committee members, including critical water quality and water recycling language, and have acted in good faith. To send this bill back to committee now would mean the likely end to CALFED this year. If we do not act today and send this bill to conference where ongoing conversations with Senator FEINSTEIN can resume, we will lose precious time and I fear lose our remaining window of opportunity to address the water crisis in California.

Because of the job-creation impact, the building trades unions mentioned in my previous Dear Colleague wholeheartedly support final passage of H.R. 2828.

I urge my Democratic colleagues to defeat this motion.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

As my friend, the gentleman from California (Mr. GEORGE MILLER),

knows, negotiating water agreements is not easy; and we have had numerous conversations about the subject of water over the years. And certainly he has a long history in water in the State of California. As everyone knows who has been involved in water negotiations, they are difficult. There are conflicts all over the place. One of the concepts that we took when we went down this road was balance; and the Record of Decision that was a difficult Record of Decision to come to a conclusion, part of that was water storage on four projects. There were a lot more water projects that were being considered in that Record of Decision, but it was weaned down in difficult negotiations to really a limited amount of water storage.

Over \$12 million has been spent to date on looking at the feasibility of these four projects. All of the environmental laws must be met, and that is considerable, before any of these projects could ever become feasible. And even then if in fact they are deemed feasible, you would have to go through the appropriation process.

As I would point out to my friends, the Auburn Dam is an authorized project. I doubt if it will ever get appropriations to build. Unless a project is feasible, unless it has the political support in order to build, it will not happen.

And so I would say this motion to recommit takes the balance out of the process that we put together, and I believe it would remove all support for this CALFED process to continue. So I would urge my colleagues to vote "no" on the motion to recommit and vote "yes" on final passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the time for any electronic vote, if ordered, on the question of passage.

The vote was taken by electronic device, and there were—yeas 139, nays 255, not voting 40, as follows:

[Roll No. 354]

YEAS—139

Abercrombie	Andrews	Becerra
Alexander	Baird	Berkley
Allen	Baldwin	Berman

Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Chandler
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Filner
Frank (MA)
Grijalva
Gutierrez
Harman
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)

Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klecza
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Neal (MA)
Obey
Oliver
Owens
Pallone
Pascarell
Pastor
Payne
Pelosi

NAYS—255

Aderholt
Akin
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggett
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Bradley (NH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Costello
Cox
Cramer

Crane
Crenshaw
Cubin
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hart

Pomeroy
Price (NC)
Rahall
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Townes
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Weiner
Woolsey
Wu
Wynn

Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCollum
McCotter
McCreery
McHugh
McInnis
McKeon
Mica

Millender-
McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman

Ackerman
Bell
Bishop (NY)
Blumenauer
Brady (TX)
Carson (IN)
Collins
Culberson
Deal (GA)
Delahunt
Dicks
Fattah
Gephardt
Gerlach

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded to record their votes.

□ 1312

Mr. MORAN of Kansas and Mrs. CUBIN changed their vote from "yea" to "nay."

Ms. SLAUGHTER and Messrs. RYAN of Ohio, DAVIS of Illinois, STRICKLAND, RUSH, and ANDREWS changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. KIRK. Mr. Speaker, on July 9, 2004, I missed rollcall vote No. 354, the motion to recommit for H.R. 2828. I missed the vote due to a meeting I had with the President of the World Bank. Had I been present I would have voted "no."

The SPEAKER pro tempore. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 3598, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MANUFACTURING TECHNOLOGY
COMPETITIVENESS ACT OF 2004

The SPEAKER pro tempore. Pursuant to House Resolution 706 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3598.

□ 1312

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, with Mr. TERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

□ 1315

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very pleased to be able to bring this bill before the House today, and I want to thank the gentleman from Michigan (Mr. EHLERS), chairman of the Subcommittee on Environment, Standards, and Technology of the Committee on Science for his insight and persistence in introducing this bill and refining it to the point that it can be signed into law.

Let me tell you what this bill is all about. It is about my favorite four letter word; and do not get nervous, it is a four letter word that you can use in polite company and on the floor of the people's House. This is a jobs bill. The programs that we reauthorize and create in this bill will enable American manufacturers to create and retain good, high-paying jobs in the United States of America.

Other than ensuring national security, this Congress has no task more important than promoting job creation and retention; that is, ensuring economic security.

I can say this is a jobs bill without fear of contradiction. Most of the programs in this bill are not new experiments. We are reauthorizing programs that have a proven track record of saving and creating jobs. What is more important?

The Manufacturing Extension Partnership program, which I and others

helped create back in the 1980s, has helped countless small manufacturers by giving them the knowledge they need to use the latest technology and manufacturing processes. A survey of just one-third of MEP customers found that they had created or saved more than 35,000 jobs, and that is just one-third of the customers, thanks to this program. And the MEP centers help more than 18,000 small companies each and every year.

I do not need to look any further than my own congressional district to see the good this program has done, and I am sure that is true of every Member of this House. To take just one evocative example from upstate New York, our local MEP center helped an olive oil manufacturer reorganize its factory floor in a way that enabled it to remain competitive in a highly competitive business and stay in business, preserving jobs. And MEP centers have greased the wheels of commerce all across this great Nation of ours.

This bill also reauthorizes the internal laboratories of the National Institute of Standards and Technology, or NIST, the Nation's oldest federal laboratory, a home to Nobel Laureates, and the Federal lab most focused on the problems of industry, including manufacturing.

I want to thank the gentleman from Colorado (Mr. UDALL) for the amendment that added the NIST authorization to this bill. I have to admit, as my colleagues on the other side of the aisle will no doubt point out, that Congress has underfunded these programs in recent years, over my objections, I would add. But this bill commits us to ensuring that the MEP programs and NIST's laboratories remain healthy so that they can help American manufacturers remain healthy.

I should add that the appropriators are already following through on the headway we are making in this bill. The Commerce appropriation we approved yesterday includes \$106 million for MEP and a healthy increase for NIST laboratories. I congratulate the appropriators, and I congratulate my colleagues in the House for passing that bill just yesterday.

This bill, this jobs bill, will keep those programs on a healthy path in the future. The bill authorizes increases in the Manufacturing Extension Partnership so that in fiscal year 2008, MEP centers should be receiving 14 percent more than we hope they will receive next year, and that is more than a 200 percent jump from the \$39 million in fiscal year 2004.

But this bill does more than just reauthorize old programs, although that alone would boost American manufacturing. The bill creates several new programs: A new grant program for the MEP centers, to help them design new ways to assist businesses; a new grant program to encourage businesses and universities to work together to solve industrial problems through applied research; and a new fellowship program

to entice both graduate students and senior researchers into conducting research in the manufacturing sciences.

This is a good bill. It is a bill designed to help manufacturers, it is a bill designed to help small businesses. In short, this entire bill is based on a simple principle: You cannot get ahead by standing still. This bill will help our manufacturers get ahead by enabling them to take advantage of the latest research, the latest technology and the latest ideas about how to organize manufacturing, and all that will translate into jobs.

Now, we will be hearing an animated debate over the next hour or so on amendments to this bill. That debate should not obscure the fundamental bipartisan agreement on the importance of this measure. The gentleman from Tennessee (Mr. GORDON) pointed out in the Committee on Rules how necessary and sound this bill is. The gentleman from Colorado (Mr. UDALL) pointed out on the floor in yesterday's debate how necessary and sound this bill is, while pointing, quite rightly, to his own significant contribution to it.

The issue we will be debating with some of the amendments is whether we should do even more with this bill. I say "with this bill," because, of course, we should be doing more overall. There are programs in other agencies that help manufacturers. There are other steps unrelated to research that we can take and have taken to help manufacturers. But we should not weigh down this bill because we can do even more in other arenas.

Our manufacturers need the help this bill will provide, and they need it now. Let us move ahead with this portion of our jobs agenda, and then we can turn our attention to other matters.

I urge my colleagues to support H.R. 3598 in its current form, which can be signed into law. And that is what we need, legislation that can be signed into law.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to talk about an unfortunate missed opportunity. We are debating H.R. 3598, the Manufacturing Technology Competitiveness Act, a bill designed to help our manufacturing sector. In the end, I will vote for this bill, but it is a shell of what could have been accomplished had we worked together in a bipartisan fashion.

I think we can all agree that our manufacturing sector has been hard hit during the past 4 years. Exports had their largest drop in 50 years, more than 2.7 million manufacturing jobs have been lost, and the manufacturing recovery has been the slowest on record. Last month, we lost another 11,000 manufacturing jobs.

While H.R. 3598 is a small step in the right direction, it is hardly the comprehensive manufacturing bill that could have been produced by the Com-

mittee on Science or by this House. The bill does little beyond authorizing modest funding for the manufacturing extension partnership program, MEP. I strongly support the MEP, but should not be the only Federal program that assists and supports our manufacturing sector.

During the Committee on Science's markup, Democratic Members offered a series of amendments designed to strengthening the bill. Most of these amendments were defeated on a party-line vote. Our chairman reluctantly opposed the amendments, not on substantive grounds, but because of administration objections.

In fact, through a series of negotiations, in which the minority was not invited to participate, the White House whittled H.R. 3598, as introduced by the gentleman from Michigan (Mr. EHLERS), down to the bare bones MEP authorization we see today.

The original bill presented by the gentleman from Michigan (Mr. EHLERS) included the creation of an Undersecretary For Manufacturing and Technology. Now it is gone. The gentleman from Michigan (Mr. EHLERS) originally included \$514 million for the MEP program, which, after unilateral negotiations with the administration, was cut by \$60 million. The gentleman from Michigan (Mr. EHLERS) originally included \$192 million in research activities related to manufacturing, which, after unilateral negotiations with the administration, was slashed to \$55.6 million.

The bill before us today shows that this administration just does not get it. We would have liked to have offered several amendments to restore the cuts that the gentleman from Michigan (Mr. EHLERS) made to his own bill at the behest of the administration. However, many of our amendments were not made in order by the Committee on Rules.

Today, I and some of my colleagues on the Committee on Science will be offering a few amendments that were actually made in order by the Committee on Rules. But let me give you an example of an amendment that was not made in order by the Committee on Rules.

First, the amendment offered by the gentleman from California (Mr. HONDA) to provide an authorization for the Advanced Technology Program, ATP. Yesterday, during the debate on the rule, the gentleman from New York (Chairman BOEHLERT) said that this amendment was not made in order because the Advanced Technology Program really is not a manufacturing-oriented program.

That is just not the case. Almost 40 percent of ATP funds currently support manufacturing projects. The rest of the ATP funds support the development of new technologies, technologies that will create the manufacturing industries of the future.

New chip technologies will result in new chip manufacturing factories and

more jobs for Americans. The administration's own analysis for ATP shows that the benefits from just a few of the ATP projects reviewed to date are projected to exceed \$17 billion. ATP supports our current manufacturing base and supports the development of our future manufacturing base.

So H.R. 3598 represents a bit of the pie, but not the whole pie. Some groups reluctantly support this bill, figuring that it is better to get something rather than nothing at all. While this may be true at times, it is not the right thing to do in this case.

Manufacturing is just too important to the economic health of our Nation. It is also often forgotten that the manufacturing multiplier effect creates 8 million additional jobs in other sectors. We need to do our best not only to maintain, but also to strengthening our manufacturing base, and to keep these high-paying jobs here at home.

Mr. Chairman, I will say that we have missed a great opportunity to support our manufacturing community and our constituents who work in the manufacturing fields. I hope that by passing our amendments to H.R. 3598 today, we can come together in a bipartisan way to strengthen this bill, to help our workers and our firms.

In conclusion, Mr. Chairman, let me just say that in the last 3½ years, we have lost 2.5 million jobs. Millions more Americans are concerned about losing their job. They deserve better than half a loaf. They deserve better than saying we will get to you later. They deserve better than to say we are afraid to do the right thing, because the administration does not like it.

We are an equal branch of the Federal Government. We need to stand up on our own legs today and demonstrate that, and do the right thing for our manufacturing sector in this Nation.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I am pleased to yield 7 minutes to the gentleman from Michigan (Mr. EHLERS), the distinguished chairman of the Subcommittee on Environment, Standards, and Technology.

Mr. EHLERS. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, I rise today in strong support of H.R. 3598, the Manufacturing Technology Competitiveness Act. The goal of my legislation is simple: It is to help small and medium-sized manufacturers better compete in the global marketplace. Why is this necessary? Because manufacturing is in trouble in the United States.

You have heard the figures of the over a million jobs lost in manufacturing in the past few years. At the same time, the funding has been cut for this particular program.

Like communities all over the United States, industries in my hometown of Grand Rapids, Michigan, face countless challenges. Globalization is rapidly changing the way business is done, and our small and medium-sized

firms are particularly vulnerable to these changes.

□ 1330

Many are literally fighting for survival.

I asked them what I could do to help. In talking to manufacturers in my district, one thing was clear. They all said the Manufacturing Extension Partnership program was a tremendously important program in helping them remain competitive.

The MEP program has roughly 60 centers and 400 satellite offices throughout the country. These centers provide small manufacturers with tools and assistance to help increase productivity and efficiency.

As an example, the Michigan MEP regional office in Grand Rapids, known as the Right Place Program, helped the family-owned Wolverine Coil Spring Company to develop a more efficient packaging and auditing system that cut in half the wait time for delivery of finished products.

Unfortunately, Congress cut funding for the MEP program from \$106 million in fiscal year 2003 to \$39 million in 2004. This limited funding caused many centers to lay off people and cut back their services at a time when businesses needed them most.

Another major concern raised by my constituents was technological advances by other countries. For our firms to compete today and in the future, I was told we need more research and development into how to manufacture products better, faster, and cheaper. I also learned that we need to provide a way for manufacturers to learn quickly about the latest advances from the research community.

With these thoughts in mind, I developed H.R. 3598, the Manufacturing Technology and Competitiveness Act. This bill specifically will establish an interagency committee and external advisory committee on manufacturing research and development to ensure that Federal agencies will coordinate their programs related to manufacturing R&D and target them on concerns that matter most to industry. It will also help industry improve manufacturing processes and technology by establishing a pilot grant program that would fund joint efforts by universities and industry to solve challenges in manufacturing technology. It would also train more students and senior researchers in the manufacturing sciences by establishing post-doctoral and senior research fellowships at the National Institute for Standards and Technology. In addition, it would authorize the MEP program at \$110 million to ensure all centers remain open.

Let me just offer a comparison to show that this is certainly a perfectly acceptable amount of funding. If we compare it to the Agriculture Extension Service, which everyone agrees has worked very, very well for a very long time, to the extent that what is discovered in the lab one year is used

out in the fields the next year, we find the Cooperative Extension Service of the Agriculture Department is funded at over \$440 million per year, four times what we are suggesting for the MEP program. At the same time, in agriculture, we have just 1.5 percent of the American workforce. Manufacturing has approximately 14 percent of the workforce. Clearly, we need a program such as MEP so that we can do for manufacturing what for years we have done for agriculture.

The bill also provides new ways to help small and medium-sized manufacturers by establishing a competitive grant program for MEP centers. And it authorizes the laboratory programs at the National Institute for Standards and Technology, which provides critical research and standards for most of our industries.

This legislation has received widespread and bipartisan support. The National Association of Manufacturers, the U.S. Small Manufacturing Coalition, and the National Council for Advanced Manufacturing, just to name a few, all support this legislation. I have also worked with the administration to ensure the bill can be passed into law and will receive the President's signature.

Mr. Chairman, this is the key point I want everyone to understand: I wanted to develop legislation that would help our manufacturers and that could make it through the entire congressional and administrative process to become law. Our manufacturers need our help and support now. Some of my colleagues are going to offer amendments that would seriously jeopardize the bill from passing into law.

One such amendment will be offered by my colleague, the gentleman from Tennessee (Mr. GORDON). His amendment would increase the authorization of MEP by an additional \$90 million over the next 4 years and increase the amount the Federal Government contributes to the program from one-third to one-half. While well intentioned, this amendment will upset the delicate balance of support for full funding of the MEP program and could lead to some centers receiving less money. We are back on the right track with the fiscal year 2005 Commerce, Justice, State appropriations bill which passed the House yesterday with \$106 million included for MEP, and I do not want to jeopardize the commitments made to achieve this funding level.

I acknowledge the hard work of my colleague, the gentleman from Virginia (Mr. WOLF), and the gentleman from Michigan (Mr. KNOLLENBERG) for their help on getting this appropriation.

As I said from the beginning, my goal was to develop and pass into law legislation that would help our small manufacturers better compete in the global marketplace, and H.R. 3598 does just that.

I want to conclude by thanking the gentleman from Colorado (Mr. UDALL), the ranking member of my subcommittee, and the gentleman from

Tennessee (Mr. GORDON), the ranking member of the full committee, for their help and input throughout this process. I especially want to thank the gentleman from New York (Mr. BOEHLERT), the esteemed chairman of the Committee on Science, who has done an outstanding job on that committee; and I thank him for his unwavering commitment to move this legislation through the Congress and be signed into law.

Mr. Chairman, I strongly urge everyone to support small and medium-sized manufacturers by supporting H.R. 3598.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, with 2.5 million manufacturing jobs lost in 3 years, including 40,000 in my State of Connecticut, many outsourced to other countries like China and Singapore, we all understand that steps must be taken to revive what is the very backbone of America's economy. Reauthorizing the valuable Manufacturing Extension Partnership, a critical program that supports high-risk, early-stage research and development, is certainly a part of that effort.

If we are going to help manufacturers become more productive and innovative, if we are going to boost sales and invest in modernization and employment, a strong reauthorization of the MEP program is critical.

But none of us are under any illusion that this program alone will revive the struggling sector; and, frankly, the other provisions in this bill are little more than a Band-Aid for an economic sector that is bleeding jobs. What our manufacturers need from this body is not window dressing; what they need is a bold vision, one that makes our Federal Tax Code work for, and not against, our manufacturers.

American companies should not have to resort to transferring jobs to countries where workers make less and have fewer benefits just to stay competitive. We should encourage good corporate citizenship and incentivize work done right here on our shores. We should ban the use of taxpayer dollars to outsource or take offshore work formerly done in the United States. We should get serious about making our trading partners live up to their obligations under the World Trade Organization, and we should reform our non-immigrant visa programs that allow companies to displace American workers by bringing foreign workers in at lower wages, and we should prohibit companies that move their headquarters overseas to avoid paying American taxes from receiving any Federal contracts. That is what we should be doing to keep this country competitive, but we are not.

While I am glad the administration has finally agreed to support the MEP program at the levels that we supported 2 years ago, I believe we have missed a real opportunity to do something meaningful on behalf of all of our

manufacturers, whether they be large or small. That is what the task of this body ought to be, rather than just putting off what we ought to do for manufacturers in this country.

Mr. BOEHLERT. Mr. Chairman, I am pleased to yield 3½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), a real leader in the effort to protect domestic manufacturing.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong and enthusiastic support of this bill and congratulate the gentleman from New York (Chairman BOEHLERT) and my colleague, the gentleman from Michigan (Mr. EHLERS), in the development of this legislation.

Indeed, small and medium-sized manufacturers are the unsung heroes of America's strong economy. All of our large multinational firms depend on the strong, vibrant, and productive domestic manufacturing sector. Their ability to compete in a global economy is tied to our home-grown, small and medium-sized manufacturing firms.

The Manufacturing Technology Competitiveness Act will reauthorize the MEP program, which is the most successful Federal program supporting manufacturing. When America was an agricultural economy, we built land grant universities explicitly to provide the knowledge base necessary to assure continuous product development, continuous improvements in quality, and continuous improvements in productivity in the agricultural sector. That partnership between government and the private sector is well developed in agriculture and is successful.

What this bill does is to broaden the partnership between manufacturing and government to assure the continual improvement of product and process to assure the competitiveness of manufacturing in a global economy.

Not only does this bill reauthorize the MEP program, the bill also ensures that all Federal programs dealing with manufacturing will coordinate their activities so we will get the most bang for the buck and the small manufacturer will be most able to take advantage of Federal support where appropriate. It will also fund a program that will improve collaboration with researchers and industry.

We need to foster stronger relationships between the research community and the business community to strengthen manufacturing in a period in which changes in technology, in process, and in management capability are occurring at a historic pace.

In my home State, the MEP program funds CONNSTEP, a public-private partnership that has created 1,300 jobs just in 2003. CONNSTEP provides a hand up for small manufacturers by giving them access to advances in technology and management techniques. Most importantly, it is a cost-effective partnership. For every one dollar in government investment, CONNSTEP creates \$4 in tax revenue.

America's free market philosophy has allowed us to be leaders in the

global economy. However, we can never forget that our competitors in Asia, Europe, and elsewhere have a long history of using the powers and resources of the state to bolster their companies.

Our companies, large and small, have demonstrated time and time again that they are the best because they are innovative and highly adaptable.

This bill, by my esteemed colleagues, the gentleman from Michigan (Mr. EHLERS) and the gentleman from New York (Mr. BOEHLERT), modernize the public-private partnership that in our country strengthens our manufacturing sector, but does it in a way that respects their independence, their ingenuity, vitality, and responsibility to be competitive. This bill will help our companies live up to the lofty goals of our economy, and I urge its support.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I am disappointed that the Committee on Science has missed a golden opportunity to fashion a meaningful bipartisan manufacturing bill. The bill we are debating does little, other than providing an authorization for the Manufacturing Extension Program.

As much as I appreciate the MEP, a program President Bush has repeatedly tried to shut down, by the way, pretending that authorizing this single program is the only worthwhile step that can be taken to help our manufacturing sector shows a lack of imagination and political will.

I do not have time to cover all of the good amendments that Democrats offered in the committee, but I would like to discuss my amendment to authorize funding for the Advanced Technology Program, which was not made in order for the floor.

During the debate on the rule for consideration of this bill, it was said that this amendment should not be allowed because this bill was only supposed to be about Federal programs that were dedicated to manufacturing. But according to its statute, ATP was created "for the purpose of assisting United States businesses in creating and applying the generic technology and research results necessary to, one, commercialize significant new scientific discoveries and technologies rapidly; and, two, refine manufacturing technologies."

Mr. Chairman, ATP does provide significant support for manufacturing. In 43 competitions held between 1990 and 2004, 39 percent of the awards involve either direct or indirect development of advanced manufacturing technologies. ATP does this by helping small businesses, small companies. Over 85 percent of all manufacturing technical awards go to small companies, and average employment growth of small company projects is over 180 percent.

In light of these facts, I tried to offer an amendment to authorize money for ATP at \$169 million per year for fiscal

years 2005 through 2008 and focus the funding on manufacturing projects.

□ 1345

I am not alone in my support for ATP. The Committee on Science's 2004 Views and Estimates on the budget supported funding ATP at the same level in my amendment.

In fact, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Michigan (Mr. EHLERS) both testified before the Subcommittee on Commerce, Justice, State of the Committee on Appropriations that ATP is "necessary to help provide the edge that U.S. manufacturers need to compete in the global economy."

Many associations support this. Let me close by saying I am disappointed that we are missing this opportunity to deal comprehensively with the long-fester problems of the U.S. manufacturing base. Unfortunately, because the Bush administration told the committee Republicans in negotiations that did not involve committee Democrats, that the President would not sign the bill if it did anything bold. And today we will be approving a bill that is not all it can be.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the chairman of the Committee on Science for yielding me time, and I congratulate him and the gentleman from Michigan (Mr. EHLERS) for his work on this legislation in bringing it to the floor today.

It is absolutely critical that we pass this legislation and to provide some assistance back to our manufacturing sector. The administration in its report "Manufacturing in America, A Comprehensive Strategy To Address the Challenges to U.S. Manufacturers," highlighted the need for investment and innovation through enhanced partnerships for the transfer of technology and support for the Manufacturing Extension Partnership Program, the MEP program.

The U.S. has an excellent research foundation from which to develop manufacturing technology, but this process and the people that do technology transfer, they need help.

Manufacturing in America faces stiff challenges. The challenges today come from the nature of the competition. It is now a global economy. Competitors across the world are responding quicker, faster and more effectively to the needs of their customers. We need to help provide our manufacturers with the tools to compete. One of those tools is technology and innovation. The MEP program is that type of a program.

In west Michigan, this has been a very, very successful program. In Michigan, the MEP program has worked with over 587 small and medium-sized manufacturing firms throughout the State. In their 13-year history, they have worked with 25 per-

cent of all small and medium sized manufacturers in Michigan. This assistance increased and retained sales in amounts over \$70 million in just 2002. This assistance also aided in the creation or retention of over 800 jobs that would not have otherwise occurred.

I know this bill does not solve all of the issues or do everything that this Congress would like to do, specifically an amendment that was proposed by the gentleman from Illinois (Mr. EMANUEL) which would have fully funded the Jobs for the 21 Century Initiative, a program initiated by the President.

I look forward to working with my colleague to pass that legislation and do it through the Committee on Labor which has jurisdiction over that legislation.

Mr. GORDON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me thank our leaders on the committee and our esteemed ranking member of the full committee.

I rise today and speak in support of my colleagues and the gentleman from Tennessee's (Mr. GORDON) amendment to the Manufacturing Technology Competitiveness Act of 2004.

The Gordon amendment provides a robust MEP program authorized for fiscal year 2005 to 2008; 10 percent above the fiscal year 2004 total; in fiscal year 2005, \$116 million and 10 percent per year increases. This compares with approximately a 4 percent increase per year in the base bill. The amendment also adjusts the current one-third Federal cost-share for 6 years and older MEP centers to be as much as one-half in the fiscal year 2005 only.

Unfortunately, when this bill was marked up in committee, this amendment along with all of the amendments that were offered by the Democratic side were voted down. Not because of the merit but because apparently they said the White House had indicated that they would not sign the bill if they did not do it the way they wanted them to do it. But let me assure you that we have lost so many manufacturing jobs.

In Texas alone, we have lost 178,000 since 2001 and overall 8.2 million throughout the country. And you can look at there chart and see all the jobs lost. Every State has lost many jobs. This is the area which we are talking about, manufacturing. And this is also where we need to give attention most.

We are not going to get the manufacturing jobs back that have left this country but we do have to create more. Any country without a manufacturing base will never have a stable economy, and the only way we are going to get it is to do the research, involve the small companies involved.

Let me conclude by saying that when we have this many people, 8.2 million Americans without employment, which accounts for 5.6 percent and over 10 percent African Americans are jobless,

we have to give attention to this manufacturing. I do not know what we are going to do instead of it, but I can assure you, Mr. Speaker, that we are missing the boat when it comes to making sure that Americans will have jobs in the future.

Mr. Chairman, I rise today to speak in support of my colleague's, Mr. GORDON's amendment to the Manufacturing Technology Competitiveness Act of 2004.

The Gordon amendment provides a robust MEP program authorization for FY 2005–2008 (10 percent above FY 2004 totals in FY 2005 (\$116 million) and 10 percent per year increases for FY 2006–2008). This compares with an approximately 4 percent increase per year in the base bill. The amendment also adjusts the current one-third federal cost-share for 6-year and older MEP Centers to be as much as one-half in fiscal year 2005 only. Unfortunately, when this bill was marked up in the Committee, this amendment, along with the vast majority of amendments from the Democratic side of the committee voted down.

This language is a necessary addition to the manufacturing bill because it provides a decent level of MEP authorization—essentially a small increase in FY 2005 and \$5 million per year more for FY 2006–2008.

This is certainly an improvement on the Bush administration's efforts to kill the program, but we can do better.

MEP's services continue to be under-utilized because of a lack of resources. A recent study by the National Association of Public Administrators found that small manufacturers are underserved by the MEP.

Given the tremendous leverage generated among small businesses by the program, its funding should be ramped up toward a doubling over the next 6–7 years.

In FY 2004, because of the Bush administration's budget proposal and the actions of the Republican Congress, the MEP program was only provided with one-third (\$39 million) of the funding necessary to maintain the existing network of MEP Centers (full funding would be \$106 million).

According to the Modernization Forum (the umbrella group of state MEP Centers), as of April, MEP Centers will have closed 58 regional offices and reduced staffing by 15 percent. If no additional funds are provided in FY 2005, 16 states may close their MEP Centers. Overall, the MEP Centers could reduce their staff by 50 percent and close half of their regional offices.

Another impact of the current funding shortfall is that Centers are focusing on larger manufacturers that can afford large dollar projects, raising rates beyond the reach of many small manufacturers, and serving few small manufacturers overall. This is a very important addition, especially at a time when over 8.2 million Americans are without employment, which accounts for 5.6 percent, and over 10% of African Americans are currently jobless.

Manufacturing had long been the engine that drove the American economy. Much of manufacturing is still in recession even as the rest of the economy moves forward.

As we debate this bill on the House floor today, I am hopeful that we can reach constructive consensus on many of the amendments being offered today.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentlewoman

from Pennsylvania (Ms. HART) who is a valued member of the committee and a leader in enhancing the domestic manufacturing sector's ability to compete in a global marketplace.

Ms. HART. Mr. Chairman, I thank the gentleman for those kind words and thank him for moving this legislation.

The Manufacturing Technology Competitiveness Act is extremely important not only nationally, but for our competitiveness in the world. Western Pennsylvania, where I am from, has a long history of manufacturing and I support the programs that help our manufacturers to remain competitive.

H.R. 3598 supports small and medium-sized manufacturers. It helps them to improve their manufacturing processes. It also helps to improve their technology by establishing a pilot program to fund collaborations between universities and industries, that is our employers, to solve problems in manufacturing technology that companies and universities have not been able to solve on their own.

This legislation also ensures that Federal agencies will coordinate their programs related to manufacturing R&D and target them towards the concerns that matter most to industry by establishing an interagency committee on manufacturing research and development and an advisory committee of representatives from outside the Federal Government.

We have a shortage in this country of scientists and engineers. This bill will help train more students and senior researchers in the manufacturing sciences by establishing post-doctoral and senior research fellowships at NIST. This will help us fill that gap.

One provision in particular that I have been working on with my colleagues to secure funding for is the Manufacturing Extension Partnership program. We will reauthorize and improve MEP by passing this bill. We will help manufacturers to improve their processes, reduce waste, and train workers to become more efficient. MEP receives a third of its funding from the Federal Government, a third from the States, and a third from fees charged to those small manufacturers who participate. There are 60 MEP centers and 400 satellite institutions throughout the Nation. These programs make it possible for even the smallest firms to tap into the expertise of knowledgeable manufacturing and business specialists.

Each center, such as Catalyst Connection Pittsburgh, works directly with the manufacturers to provide expertise and service tailored most to their critical needs.

Mr. Chairman, I appreciate the gentleman bringing up this bill. I understand it will help our manufacturers be globally competitive, that will help us maintain our manufacturing sector and have it grow in the future.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I thank gentleman from Tennessee (Mr. GORDON) for yielding me time.

Since 2001 the country has lost 2.7 million manufacturing jobs. Now, I offered an amendment which was President Bush's 21st Century Job Initiative in an act of bipartisanship. Let me quote what he said on April 5 when he introduced his initiative. "We are not training enough people to fill the jobs for the 21st century. There is a skills gap," the President says, "and if we do not adjust quickly, if we do not use our community colleges, we are going to have a shortage of skilled workers in the decades to come."

Now, when you were designing this bill, you did not include the President's initiative on the 21st Century for manufacturing jobs, so I offered it as an amendment. What does the Committee on Rules do? They knock it down and said, forget it.

I do not know how many times you are going to show disrespect to the President of the United States when he is trying to help with manufacturing jobs. He did not come up here and lobby for it, though. He did not send anybody here to lobby for his initiative, so I do not really so much think that you are showing disrespect because why should you include something the President does not care about? But it makes sense. Every budget he has proposed, he has tried to eliminate the manufacturing extension program, and we have resulted in 2.7 million jobs lost.

On top of that, when the President's economic advisor issued a report, he wanted to redefine flipping hamburgers as a manufacturing job. That is one way America can regain the manufacturing jobs we lost in America. Redefine them. No disrespect to the hamburger flippers in America, but I think there is something critically important about training workers using community colleges to, in fact, add and increase 100,000 workers, as the President of the United States said, in the high technology area of manufacturing. But this bill does not include it.

I still will support this bill because I do not believe in making the perfect the enemy of the good, or in this case, the good the enemy of the adequate. And that is all this bill will try to do, adequately tread water.

The fact is we have lost jobs over the last 3 years in manufacturing, 2.7 million of them, and the result has been because of basic attitude towards the manufacturing sector of benign neglect. The net result is Americans have lost their jobs, their health care, their retirement and their kids' college education because of it. I tried to offer the President's own initiative for the 21st century, and we will lose those jobs because we are not doing what we should be doing in a bipartisan fashion.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. SMITH), the distinguished chairman of the Committee on

Research and the Committee on Science.

Mr. SMITH of Michigan. Mr. Chairman, this bill, H.R. 3598, will ensure that the Federal agencies will coordinate their programs. That is important. It expands the effort to have more students be trained in the manufacturing science. That is important. It ups the authorization amount for the MEP program.

Yesterday we passed a bill that increased the appropriations for that program, the Manufacturing Extension Program. I will just urge every small and medium-sized manufacturer in this country, everyone that knows somebody that works in that kind of industry, to take advantage of this program.

Look, you are getting expert advice for one-third of what it is otherwise going to cost you as a manufacturer for expert advice. The State provides one-third, the feds under our program provides one-third, that leaves one-third for the participating manufacturers. Use the program.

If you know somebody that is in the manufacturing arena, tell them to go to the Web site. Type in MEP and NIST and let a search engine find it. If you want the details, it is www.MEP.NIST.gov/state-affairs. It is a good program. Use it.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a leader on the Committee on Science.

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Ms. JACKSON-LEE of Texas. Mr. Chairman, I know full well the ranking member's commitment to job creation and knowing my good friend, the chairman, I also realize his commitment not only to the Committee on Science but also to creating opportunities for Americans; and I thank the ranking member and the subcommittee Chair, subcommittee ranking member also for their leadership.

But let me tell you why we are on the floor today as I support this legislation, obviously a bill that my good friend, the gentleman from Colorado (Mr. UDALL), first introduced to the United States Congress, because we are bleeding manufacturing jobs. We are losing them, and we are losing the ability to produce.

There are many things that America is all about, including our wonderful democratic principles, our courage; but we are producers, we manufacture. And my friends, if you look at this, you will understand why we are at the bottom of the heap on job creation and producing; and I think that we need more than this legislation on the floor of the House today. We know in Texas alone we are number two in the worst job loss in America, but it continues across the Nation. East coast, west coast, Midwest, South, Northwest, all of these States, 2.5 million jobs that we have lost.

So, frankly, what I am arguing for today is that we realize that we need a

more expansive commitment to creating jobs, the elimination, if you will, of outsourcing so we can create jobs, the idea that we are given to do things with our hands and minds so that we can produce. Agricultural production is one thing, but building things is another; and that is how we built great cities in the Midwest when we had steel factories producing steel and producing cars.

And so what I am asking for is that we do more than what this legislation says and that we enhance the creation of manufacturing jobs and that the President support and stand with us.

Let me also say we have all supported the MEPs. I am glad to hear my colleagues on the other side of the aisle support the MEPs. If you support MEP centers, then support the Jackson-Lee amendment which will preclude the closing of MEPs because under the present structure of the bill, all of our manufacturing partnership programs will be cancelled out because we will be recompetiting.

I ask my colleagues to support my amendment ultimately, but also to work with us to better create manufacturing jobs.

I will support H.R. 3598, the Manufacturing Technology Bill, because it is basically inoffensive. This bill started as a bold initiative from my colleague from Colorado Mr. UDALL. I wish we could have kept it stronger, and done more to make jobs for our struggling manufacturing sector. However, I do commend my colleagues from the Science Committee, Mr. EHLERS, and Chairman BOEHLERT for their leadership in pushing for some relief and stimulus for our sagging manufacturing sector.

The United States economy lost 2.5 million manufacturing jobs between January 2001 and January 2004. Although there have been some recent signs of movement in the job markets, too many people are still struggling with unemployment or underemployment. Texas was the second hardest hit of all States—losing over 45,000 jobs between August 2001 and August 2002.

Science and technology are truly the keys that will open the economy and careers of the future. Not only can technology develop products of the future—it can also be used to make making those products more efficient and cost-effective. That makes our businesses more competitive in the world market as they take market share, demand rises, and jobs are created. A solid manufacturing base is the bedrock of any strong economy. America has one of the greatest, hardest-working workforces in the world. The entrepreneurial spirit is strong in America. Small Federal investments and seed monies can be catalytic, and unleash the enormous potential of our manufacturing sector.

I know budgets are tight, due to fiscal mismanagement and a violent and expensive foreign policy. But we should not quit making smart investments in the future of our economy. That would be “penny wise but a pound foolish.” We should be investing, not only in traditional manufacturing jobs, but also in alternative energy sources like windmills and geothermal and solar panels and fuel cells. These are the fuels and jobs of the future. This bill seems to be being expedited to make

the newspapers by election time. I think if we had all worked together, we could have made this a more powerful Act, and still could have shown the voters what the 108th Congress is capable of.

Regardless, there are some good provisions of this bill. H.R. 3598 would establish an Interagency Committee on Manufacturing Research and Development to coordinate Federal manufacturing R&D efforts, and an advisory committee to guide those efforts. The interagency committee would prepare a strategic plan for manufacturing R&D, produce a coordinated interagency budget, and write an annual report on the Federal programs involved in manufacturing R&D. The President may designate existing bodies to serve as the committees.

It will establish a 3-year cost-shared, collaborative manufacturing R&D pilot grant program at NIST. It will establish a post-doctoral and senior research fellowship program in manufacturing sciences at NIST.

H.R. 3598 will reauthorize the MEP program and create an additional competitive grant program from which MEP centers can obtain supplemental funding for manufacturing-related projects.

Finally, the bill will authorize funding for NIST's Scientific, Technical, and Research Services account, the Baldrige Quality Award program, and the Construction and Maintenance account. H.R. 3598 would also establish a standards education grant program at NIST and authorize funding for it at \$773,000 in FY 2005, increasing to \$844,000 in FY 2008.

I will be offering an amendment later that will make these efforts stronger by protecting one of the most effective tools in the Federal manufacturing toolbox—the Manufacturing Extension Partnership program—from a wasteful recompetition, aimed at scaling back this vital program.

I hope my colleagues will support it, and support the underlying bill.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me this time.

I stand today, I guess, as a pig at a wedding here between those who want to fund the program that probably ought to be defunded and those who want to fund it more than it is being funded at current.

The President said that we ought to hold the line at about \$35 million. The OMB analyzed the MEP and said, “Ultimately firms should be willing to pay for the cost of services that contribute to profitability if they determine the services are worth it.”

That is what we as Republicans ought to stand for, and instead we are saying let us help them out some more. For those who do not believe this is corporate welfare, I would suggest that you do go to the Web site, which says MEP is a nationwide network of not-for-profit centers in over 400 locations nationwide whose sole purpose is to provide small and medium-sized manufacturers with the help they need to succeed.

Well, I would suggest that if a business is having trouble succeeding, it is

probably because there is not a market for its good or services or its competitors are doing it better.

Now, is it our role as government to actually try to go in and help them out? I would say yes, but we ought to do it by little more of what the gentleman suggested was benign neglect. I think our small and medium-sized businesses out there are crying for a little benign neglect when it comes to government in terms of lesser taxes and less regulation. Let us give them more of what we have been over the past couple of years, which is lower taxes, less regulation, and let them compete on their own.

Now, I come from Arizona where we are long-suffering in terms of professional football. The Cardinals had fewer rushing touchdowns last year than they have in years past. What are we to do? Dispatch a government team or a bunch of experts to tell them how they can have more rushing touchdowns and compete a little more, put a little more fannies in the seats? I do not think we are going to do that, but reading this, I think, What is next? If we are going to do it for manufacturing, why not professional sports?

I would say it is time to back away. Government's role is to provide a conducive regulatory and tax environment and then please stay out of the way, particularly in times of human deficits, \$400 billion deficit this year, and we are increasing spending on this program. I would urge a rejection of the bill.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, we have lost over 2.5 million jobs, manufacturing jobs, under this administration. Actually, we have lost 2.7 million jobs. I guess we should not be surprised, considering that the President's economic report suggested fixing the job-loss problem by reclassifying fast-food jobs as manufacturing jobs and by nominating the exporter of U.S. jobs, Anthony Raimondo, as the new manufacturing czar. And he just did that 4 months ago.

Obviously, this administration does not get it, and neither does the leadership in the House. Why else would Republicans bring up a bill that would increase tax breaks for multinational corporations that ship jobs abroad? And why else would the President's chief economist endorse outsourcing as a long-term benefit for jobless Americans?

Well, obviously I believe that we need to be doing a lot more to encourage an increase in the number of manufacturing jobs in our country, but I am glad that after ignoring the country's manufacturing crisis for the last 3 years, we are here today taking a small step forward to reauthorize the Manufacturing Extension Partnerships. I am just sorry that we are not doing more.

Mr. GORDON. Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I have got to tell you I am disappointed with this bill, but I do have to also tell you I support it, because it does more for our manufacturing sector than the administration is doing now. As my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), mentioned, the essence of the bill is a version of legislation I introduced last year, the America Manufacturing Works Act; but unlike my bill, this bill does little more than provide an authorization for the Manufacturing Extension Partnership. We could have and should have done so much more, such as authorizing the widely supported ATP program, strengthening the MEP program, which we are discussing now, authorizing an independent study on outsourcing and bolstering our manufacturing workforce education, among many other things.

Still, though, reauthorizing MEP is critical. It is one of the most successful Federal-State partnerships in government; and at a time when our manufacturing base is threatened, it makes no sense to eliminate a program that helps small and mid-sized American manufacturers modernize in order to compete in the demanding global marketplace they face.

Whether for reasons of substance or politics, this administration has finally recognized that eliminating MEP is a bad idea. Now, of course we will not know how sincere they are until we see the proposed funding levels for fiscal year 2006. But today this House has an opportunity to save this important program.

The Chairman, my good friend from New York, mentioned the reauthorization of the funding for NIST core laboratory programs; and this is important because as he knows and we all know, NIST worked to set standards and put measurement activities together to directly support the U.S.'s manufacturing base.

I am troubled, and I know the chairman knows I am, that we have refused to include specific amounts for the construction funding at NIST's Boulder campus, and in the past he has indicated his support for construction funds; and I hope that as we move forward he and I can work together so that such language translates into something meaningful.

In conclusion, as I did say, I support this bill. I believe it is a modest and narrow effort to support this country's manufacturing base. We have much more work to do, but this is a first step; and I urge its passage today.

I thank the gentleman for yielding me the time.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Chairman, I do not have the privilege of being a member of

this committee, so maybe I can be blunt, though, I have affection for the Chair and my friend, the gentleman from Michigan (Mr. EHLERS). But when I look at these figures on the Manufacturing Extension Program (MEP), I think it is pretty clear what is happening here, and that is, we have an election-year conversion by the House majority to really cover a President who is still asleep at the switch on manufacturing.

We have lost, as has been said here, 2.7 million manufacturing jobs; but while this was happening, what did the House do and the Congress do last year? It cut the MEP by almost 63 percent, almost 63 percent. Now the majority comes back here and says let us restore the cut. That is the conversion.

As to where the President is, despite this mammoth loss of jobs, he proposed in 2003, \$12.9 million essentially to phase out MEP. He repeats that in 2004, phase it out essentially. Then 2005, with all of this loss of manufacturing, the President's request is \$39 million for MEP. That shows a lack of concern about what has been happening to manufacturing in my State and in this Nation.

Then the suggestion was, have an assistant Secretary for manufacturing. We said it was shuffling chairs. They did nothing to fill that shuffling of chairs for 6 months, and then they appoint somebody else who cannot be confirmed, and now they appoint somebody else and we are still waiting for confirmation.

No, this country needs leadership that is committed to manufacturing in the United States. I hope we will adopt the Gordon amendment. It would be a step forward.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I commend the committee for trying to do something to change the way we address the manufacturing needs in this Nation. We have many challenges facing the manufacturing sector today. With this bill, it is a start; but I am really disappointed that the bill continues to take the business-as-usual approach.

This is not a time for business as usual. We have lost, as my colleagues can see, throughout this country about 2.8 million manufacturing jobs since President Bush took office. In Michigan, like Ohio, Pennsylvania, Illinois, Texas, North Carolina, we have lost manufacturing jobs under this administration.

This legislation is only a drop in the bucket as to what we need. It cannot be the President's business-as-usual when it comes to manufacturing jobs.

I urge this administration, and we have written to Secretary Evans, we have written to the President, we have urged them to change course and support real action now to help our U.S. manufacturers. The administration

must change course and respond to the skyrocketing health care costs with a prescription drug card benefit that supports employer-provided coverage; address the employer/employee pension issues so that employers can contribute the appropriate amount to the pension funds, freeing up resources for investment, hiring, and wage increases; take action to level the international playing field on these so-called trade agreements we have. They are not fair, but they are certainly free and giving away our jobs.

We urge the President and this administration to support partnerships with the States, businesses and employees which promote research and development, future technologies and a trained workforce. Until we do this, as we Democrats have been advocating for some time, this bill will only be a drop in the bucket to support our U.S. manufacturing.

Mr. BOEHLERT. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY), a valued member of the committee.

Mr. GINGREY. Mr. Chairman, I thank the chairman for yielding me the time.

Mr. Chairman, my colleague on this side of the aisle and my teammate on the Republican congressional baseball team was just in the well, and I think he was speaking against this bill and making an analogy between professional sports teams. I think he mentioned the football team in Arizona and that if we are going to support the manufacturers, we might as well be for supporting professional sports. With all due respect to the gentleman from Arizona, I think the manufacturing sector in this country is a lot more important than any professional sports team.

H.R. 3598 supports small and medium-sized manufacturers by reauthorizing and improving the highly successful Manufacturing Extension Partnership program, MEP. This program helps businesses improve manufacturing processes, reduce waste, and train workers on how to use new equipment. MEP receives one-third of its funding from the Federal Government, one-third from the States, and one-third actually from fees charged to participating small businesses, small manufacturers.

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There are 60 MEP centers and 400 satellite institutions throughout the country.

But, Mr. Chairman, let me talk briefly about Georgia. The Georgia Manufacturing Extension Partnership consists of 19 regional offices, four of which are in my district, the 11th District of Georgia, Carrollton, Cartersville, Newman, and Rome, Georgia. It is lead by the Economic Development Institute at my alma mata, the Georgia Institute of Technology, Georgia Tech.

The MEP program has a proven track record. It works directly with local

manufacturers to help them improve manufacturing processes, train workers, improve business practices, and apply information technology to their companies. Solutions are offered through a combination of direct assistance from center staff and outside experts.

The Rome-Floyd Recycling Center, Mr. Chairman, is a perfect example. They were struggling, about to go under. But when the MEP program came and helped them and brought in engineers and showed them how to process that recycling and streamline that operation, they began making money and employing people right in my district.

In Georgia, during 2002, MEP assistance helped companies retain or create more than 1,300 jobs, invest more than \$33 million, and cut \$13 million in unnecessary costs and increase or retain \$61 million in sales.

Mr. Chairman, H.R. 3598 and its authorization of returning funding levels for MEPs back to an effective level will greatly influence the retention and creation of manufacturing jobs throughout Georgia and the Nation. Let us support this good legislation on behalf of the distressed manufacturing sector.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. MILLER), an active member of the Committee on Science.

Mr. MILLER of North Carolina. Mr. Chairman, I thank the gentleman from Tennessee for yielding me this time, and I agree that this is a bill with disappointingly modest ambitions, but one that we must support today.

Many Members have talked about manufacturing job losses in the country. In North Carolina, it is 150,000 manufacturing jobs in the last 3 years. It has cut into the backbone of the traditional basis of the North Carolina economy. There have been textile industry jobs, tobacco jobs, furniture jobs, the jobs that North Carolinians have depended on to support themselves and their families.

I have talked to a lot of workers who have lost their jobs. They are very realistic. They do not ask how are we going to bring those jobs back. They know those jobs are gone forever. The employers have not simply cut a shift, they have closed the factory. It is padlocked and the equipment sold. The employees have either gone overseas or they are just flat out of business. Their question, instead, is where are the new jobs going to come from and what are we doing to bring new jobs here? And my answer is: We are not doing nearly enough. We are not doing nearly enough.

They know that service sector jobs will be no answer. We cannot prosper as a service economy. We cannot simply cut each other's hair or sell each other insurance or give each other golf lessons. We have to make things. The heart and soul of our economy is manufacturing. It is the basis upon which our economy exists. It is the basis of

our prosperity and we are not doing nearly enough to protect it.

Let me tell you what the Manufacturing Extension Partnership has done in our State. In 2002, there was an independent Federal survey of the MEP program, which is called the Industrial Extension Service in North Carolina. As a result of the help, the service, the advice that the Industrial Extension Services gave to some 367 employers that year, they achieved \$85.6 million in savings as a result of the efficiencies they were able to achieve. As a result of that, North Carolina was able to save 1,119 jobs and create 193 new ones.

Mr. Chairman, the Industrial Extension Service, the Manufacturing Extension Partnership, is something we should be doing better by, not cutting.

Mr. GORDON. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. SIMPSON). The gentleman from Tennessee (Mr. GORDON) has 3 minutes remaining, and the gentleman from New York (Mr. BOEHLERT) has 2½ minutes remaining.

Mr. GORDON. Mr. Chairman, I yield myself the balance of my time to close, then. And let me just respond very quickly to a statement that the gentleman from Arizona (Mr. FLAKE) made in the well of the House earlier. And I think it was a very honest statement on his part about his feelings, and I think it reflects that of the administration and, really, of the majority of the Republicans over the last 3 years, and that is, let the strong survive and the weak will move aside, and that is the best thing we can do for our economy. Well, unfortunately, the strong are surviving, but they are surviving by or prospering by sending jobs offshore.

So let me say what MEP really is about, for the 99 percent of America who do not know what these initials stands for. Right now, small- and medium-sized manufacturing businesses cannot afford to have full-time experts, specialists, and technicians on their staff like the big guys can. So what MEP does, it is a State-based program that allows these small- and medium-sized manufacturers to combine their resources and go to the State and get some help on a project here, a project there, where they could not afford to have that full-time expert. It makes them more productive, it allows them to be more competitive internationally, it creates additional jobs, and it returns many, many, many more dollars to the Federal Government than is sent out.

Also, let me explain the leveraging that goes on here. The money that the Federal Government puts into the MEP program is matched by the State. And States that are hard-pressed now are glad to get whatever money they can. So the Federal Government puts up one-third, the State puts up one-third, and then the local manufacturer puts up one-third, because they think it is that important. Together, they are

then able to pool their resources and have this additional expertise to make our country more productive.

That is what the MEP is all about, and that is why we want to see MEP not done away, as the gentleman from Arizona (Mr. FLAKE) honestly suggested, but it should be expanded to help our country be more productive.

Mr. Chairman, I yield back the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume, and before I actually close, let me thank all of the staff who worked so hard on this over the past year: Olwen Huzley, Eric Webster, Amy Carroll, David Goldston on the committee staff; and Cameron Wilson on the staff of the gentleman from Michigan (Mr. EHLERS), who, happily, could not be with us today because of the birth of Nolan Eric Wilson. We wish Nolan, Cameron and Laura Wilson our very best. Our staff finds many ways to contribute to the Nation's future.

And, Mr. Chairman, let me thank my colleagues on the other side of the aisle. We have worked in a bipartisan fashion to create a good bill. There are some differences over the level of funding, but I will say that we are on the same wavelength with respect to our admiration and affection for the Manufacturing Extension Partnership and we can proudly go forward with the committee's bill.

That is what this bill is all about. It is about jobs, it is about helping the manufacturing sector. And to the gentleman from Arizona (Mr. FLAKE) I would point out, if manufacturing in America was subsidized to the extent that government subsidized professional sports is, they would be in heaven.

H.R. 3598 will help ensure that our Nation has good, high-paying, productive manufacturing jobs for years to come, and I urge its adoption.

Mr. KIND. Mr. Chairman, America's manufacturing sector has been in crisis for the past 4 years with over 2.7 million quality jobs lost, including 80,000 in my home state of Wisconsin. Congress must act to stem this trend and invest in programs that help our Nation's manufacturers compete and grow in the global economy.

Throughout the Third Congressional District, I have been meeting with local business owners, workers, educators, and government officials to discuss economic challenges facing Wisconsin to determine what can be done to help Wisconsin businesses grow. As a member of the Congressional Manufacturing Task Force, I have focused on how the federal government can most effectively help small- and medium-sized manufacturers compete and grow. There are no easy answers to this problem, but through good investments and smart practices, the federal government can better assist American companies and help America keep its economic edge.

One of the most successful programs helping manufacturers throughout the Nation is the Manufacturing Extension Partnership (MEP) program within the Department of Commerce's

National Institutes of Standards and Technology. Through a national network of manufacturing extension centers, MEP is designed to benefit domestic manufacturers by providing expertise and services tailored to their most critical needs. This includes assistance in process improvements, worker training, and information technology applications. In Wisconsin, MEP has served over 110 firms.

To strengthen this program, I support an amendment offered by Representative GORDON to increase the authorization limit for MEP and help states match funding so more businesses can benefit. With our manufacturing sector suffering, it is important that we build on the successes of the MEP program.

In addition, I support the amendment offered by Representative JACKSON-LEE to halt a misguided proposal by the Administration to "re-compete" MEP centers. Recompensation of MEP centers could destroy the effective national system of centers established over the past 14 years. This could result in fewer projects initiated and consumes valuable resources that could be used to help American businesses.

Mr. Chairman, it is important that we step up and help manufacturers in real, measurable ways. I urge my colleagues on both sides of the aisle to continue to invest in small- and medium-sized businesses.

Mr. CASTLE. Mr. Chairman, I rise today to strongly support this legislation. The Delaware Manufacturing Extension Partnership (DEMPEP) has been part of the national MEP program since 1994 and in 1999 it entered into a partnership with the Delaware Chamber of Commerce, the Delaware State Technical and Community College, and the Delaware Economic Development Office.

The Federal funding they receive through the national MEP program has helped them to develop the resources to be able to reach the small and medium-sized manufacturers in their delivery area.

Delaware MEP has 3 locations in Delaware and is currently assisting 1,100 Delaware manufacturers. Delaware MEP is showing a greater than 8 to 1 impact in terms of economic impact per every Federal dollar spent. The manufacturing sector in Delaware is dealing with the same burdens that are affecting all U.S. manufacturers—among them are the rising costs of labor, health care, energy, and regulatory costs. These obstacles contributed to the October 2003 statistics shared by the Delaware Department of Labor that measured 3,900 manufacturing jobs lost in the last 12 months. The Delaware MEP exists to strengthen local manufacturers by assisting them in dealing with these issues.

This year marks the 10th anniversary of the Delaware MEP, a strong Federal, State, and industry partnership. For 10 years, they have successfully strengthened competitiveness, improved productivity, and increased profits for Delaware manufacturers by guiding them in the implementation of best practices.

Programs such as Lean Manufacturing and Quality Management Systems have helped companies record significant improvements in productivity and profitability. ILC Dover, Inc., a manufacturer of protective equipment and engineered inflatables for NASA shuttle astronauts and other industrial customers, reported production improvements gains of 41 percent in 6 months from use of the Lean Manufacturing program.

Many other Delaware manufacturers have increased their productivity and decreased waste, thanks to this program. Allied Precision Inc., a Newark-based manufacturer of precision components for the aerospace, automotive, and military industries, risked losing a major client unless they adopted international standards of quality. They turned to the Delaware MEP quality management program for assistance to meet those standards and were able to gain international registration for meeting those standards and are now competing for and being awarded foreign contracts.

The Delaware MEP will continue to access its many local, regional and national resources to bring innovative programs to Delaware manufacturers to serve their competitive needs and help companies compete and prosper.

Mr. Chairman, this bill will be a key driver in supporting the Delaware and the U.S. manufacturing sectors and help them create jobs to further strengthen our economy. Support this legislation.

Mr. HONDA. Mr. Chairman, I am disappointed that the Science Committee has missed a golden opportunity to fashion a meaningful, bipartisan manufacturing bill. The bill we are debating does little other than providing an authorization for the Manufacturing Extension Program (MEP). As much as I appreciate MEP, a program President Bush has repeatedly tried to shut down by the way, pretending that authorizing this single program is the only worthwhile step that can be taken to help our manufacturing sector shows a lack of imagination and political will.

I don't have time to cover all of the good amendments that Democrats offered in Committee, but I would like to discuss my amendment to authorize funding for the Advanced Technology Program (ATP), which was not made in order for floor consideration. During debate on the Rule for consideration of this bill, it was said that this amendment should not have been allowed because this bill was only supposed to be about Federal programs that were dedicated to manufacturing. But according to its statute, ATP was created "for the purpose of assisting United States businesses in creating and applying the generic technology and research results necessary to (1) commercialize significant new scientific discoveries and technologies rapidly and (2) refine manufacturing technologies. And ATP does provide significant support for manufacturing. In 43 competitions held between 1990 and 2004, 39 percent of the awards involve either direct or indirect developments of advanced manufacturing technologies. ATP does this by helping small companies—over 85 percent of all manufacturing technical awards go to small companies, and average employment growth of small company projects is over 180 percent.

In light of these facts, I tried to offer an amendment to authorize funding for ATP at \$169 million per year for fiscal years 2005 through 2008, and focus the funding on manufacturing projects. I am not alone in my support for ATP—the Science Committee's 2004 Views and Estimates on the Budget supported funding ATP at the level in my amendment. In fact, Chairman BOEHLERT and Chairman EHLERS both testified before the Commerce, Justice, State Appropriations subcommittee that ATP is "necessary to help provide the edge that U.S. manufacturers need to com-

pete in the global economy." Many outside groups have expressed support for ATP, including the Electronics Industries Alliance, the International Economic Development Council, ASTRA (The Alliance for Science and Technology Research in America), the Council on Competitiveness, the National Association of Manufacturers (NAM) and its Coalition for the Future of Manufacturing.

One of the members of the Majority on the Rules Committee said that we should be taking guidance from the National Association of Manufacturers (NAM) as we consider this bill. Well, I did, and they said we need to fund ATP. But apparently the Rules Committee wasn't listening to NAM when they prevented me from offering my amendment.

I am going to support the underlying bill, because it is not objectionable. But I am disappointed that we are missing this opportunity to deal comprehensively with the long-festering problems of the U.S. manufacturing base.

Outside experts have told us that the future of American manufacturing lies in our ability to promote risk taking. We should be doing a little risk taking ourselves here today and investing in the innovation that will be needed to preserve the future of American manufacturing. Unfortunately, because the Bush Administration told the committee Republicans in negotiations that did not involve committee Democrats that the President would not sign the bill if it did anything bold, today we will be approving a bill that is not all that it could be.

Mr. BOEHLERT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule, and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Manufacturing Technology Competitiveness Act of 2004".

SEC. 2. INTERAGENCY COMMITTEE AND ADVISORY COMMITTEE.

(a) INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—The President shall establish or designate an interagency committee on manufacturing research and development, which shall include representatives from the Office of Science and Technology Policy, the National Institute of Standards and Technology, the Science and Technology Directorate of the Department of Homeland Security, the National Science Foundation, the Department of Energy, and any other agency that the President may designate. The Interagency Committee shall be chaired by the Under Secretary of Commerce for Technology.

(2) FUNCTIONS.—The Interagency Committee shall be responsible for the planning and coordination of Federal efforts in manufacturing research and development through—

(A) establishing goals and priorities for manufacturing research and development, including the strengthening of United States manufacturing through the support and coordination of Federal manufacturing research, development, technology transfer, standards, and technical training;

(B) developing, within 6 months after the date of enactment of this Act, and updating every 3 years for delivery with the President's annual budget request to Congress, a strategic plan, to be transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, for manufacturing research and development that includes an analysis of the research, development, technology transfer, standards, technical training, and integration needs of the manufacturing sector important to ensuring and maintaining United States competitiveness;

(C) proposing an annual coordinated interagency budget for manufacturing research and development to the Office of Management and Budget; and

(D) developing and transmitting to Congress an annual report on the Federal programs involved in manufacturing research, development, technical training, standards, and integration, their funding levels, and their impacts on United States manufacturing competitiveness, including the identification and analysis of the manufacturing research and development problems that require additional attention, and recommendations of how Federal programs should address those problems.

(3) **RECOMMENDATIONS AND VIEWS.**—In carrying out its functions under paragraph (2), the Interagency Committee shall consider the recommendations of the Advisory Committee and the views of academic, State, industry, and other entities involved in manufacturing research and development.

(b) **ADVISORY COMMITTEE.**—

(1) **ESTABLISHMENT.**—Not later than 6 months after the date of enactment of this Act, the President shall establish or designate an advisory committee to provide advice and information to the Interagency Committee.

(2) **RECOMMENDATIONS.**—The Advisory Committee shall assist the Interagency Committee by providing it with recommendations on—

(A) the goals and priorities for manufacturing research and development;

(B) the strategic plan, including proposals on how to strengthen research and development to help manufacturing; and

(C) other issues it considers appropriate.

(3) **REPORT.**—The Advisory Committee shall provide an annual report to the Interagency Committee and the Congress that shall assess—

(A) the progress made in implementing the strategic plan and challenges to this progress;

(B) the effectiveness of activities under the strategic plan in improving United States manufacturing competitiveness;

(C) the need to revise the goals and priorities established by the Interagency Committee; and

(D) new and emerging problems and opportunities affecting the manufacturing research community, research infrastructure, and the measurement and statistical analysis of manufacturing that may need to be considered by the Interagency Committee.

(4) **FEDERAL ADVISORY COMMITTEE ACT APPLICATION.**—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 3. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

The National Institute of Standards and Technology Act is amended—

(1) by redesignating the first section 32 as section 34 and moving it to the end of the Act; and

(2) by inserting before the section moved by paragraph (1) the following new section:

“SEC. 33. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

“(a) AUTHORITY.—

“(1) ESTABLISHMENT.—The Director shall establish a pilot program of awards to partnerships among participants described in paragraph (2) for the purposes described in paragraph (3). Awards shall be made on a peer-reviewed, competitive basis.

“(2) PARTICIPANTS.—Such partnerships shall include at least—

“(A) 1 manufacturing industry partner; and

“(B) 1 nonindustry partner.

“(3) PURPOSE.—The purpose of the program under this section is to foster cost-shared collaborations among firms, educational institutions, research institutions, State agencies, and nonprofit organizations to encourage the development of innovative, multidisciplinary manufacturing technologies. Partnerships receiving awards under this section shall conduct applied research to develop new manufacturing processes, techniques, or materials that would contribute to improved performance, productivity, and competitiveness of United States manufacturing, and build lasting alliances among collaborators.

“(b) PROGRAM CONTRIBUTION.—Awards under this section shall provide for not more than one-third of the costs of a partnership. Not more than an additional one-third of such costs may be obtained directly or indirectly from other Federal sources.

“(c) APPLICATIONS.—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require. Such applications shall describe at a minimum—

“(1) how each partner will participate in developing and carrying out the research agenda of the partnership;

“(2) the research that the grant would fund; and

“(3) how the research to be funded with the award would contribute to improved performance, productivity, and competitiveness of the United States manufacturing industry.

“(d) SELECTION CRITERIA.—In selecting applications for awards under this section, the Director shall consider at a minimum—

“(1) the degree to which projects will have a broad impact on manufacturing;

“(2) the novelty and scientific and technical merit of the proposed projects; and

“(3) the demonstrated capabilities of the applicants to successfully carry out the proposed research.

“(e) DISTRIBUTION.—In selecting applications under this section the Director shall ensure, to the extent practicable, a distribution of overall awards among a variety of manufacturing industry sectors and a range of firm sizes.

“(f) DURATION.—In carrying out this section, the Director shall run a single pilot competition to solicit and make awards. Each award shall be for a 3-year period.”

SEC. 4. MANUFACTURING FELLOWSHIP PROGRAM.

Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-1) is amended—

(1) by inserting “(a) **IN GENERAL.**—” before “The Director is authorized”; and

(2) by adding at the end the following new subsection:

“(b) MANUFACTURING FELLOWSHIP PROGRAM.—

“(1) ESTABLISHMENT.—To promote the development of a robust research community working at the leading edge of manufacturing sciences, the Director shall establish a program to award—

“(A) postdoctoral research fellowships at the Institute for research activities related to manufacturing sciences; and

“(B) senior research fellowships to established researchers in industry or at institutions of higher education who wish to pursue studies related to the manufacturing sciences at the Institute.

“(2) APPLICATIONS.—To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

“(3) STIPEND LEVELS.—Under this section, the Director shall provide stipends for postdoctoral

research fellowships at a level consistent with the National Institute of Standards and Technology Postdoctoral Research Fellowship Program, and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position.”

SEC. 5. MANUFACTURING EXTENSION.

(a) MANUFACTURING CENTER EVALUATION.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting “A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and may be placed on probation for one year, after which time the panel may reevaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director may conduct a new competition to select an operator for the Center or may close the Center.” after “sixth year at declining levels.”

(b) MANUFACTURING EXTENSION CENTER COMPETITIVE GRANT PROGRAM.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by adding at the end the following new subsection:

“(e) COMPETITIVE GRANT PROGRAM.—

“(1) ESTABLISHMENT.—The Director shall establish, within the Manufacturing Extension Partnership program under this section and section 26 of this Act, a program of competitive awards among participants described in paragraph (2) for the purposes described in paragraph (3).

“(2) PARTICIPANTS.—Participants receiving awards under this subsection shall be the Centers, or a consortium of such Centers.

“(3) PURPOSE.—The purpose of the program under this subsection is to develop projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Manufacturing Extension Partnership program, the Manufacturing Extension Partnership National Advisory Board, and small and medium-sized manufacturers. One or more themes for the competition may be identified, which may vary from year to year, depending on the needs of manufacturers and the success of previous competitions. These themes shall be related to projects associated with manufacturing extension activities, including supply chain integration and quality management, or extend beyond these traditional areas.

“(4) APPLICATIONS.—Applications for awards under this subsection shall be submitted in such manner, at such time, and containing such information as the Director shall require, in consultation with the Manufacturing Extension Partnership National Advisory Board.

“(5) SELECTION.—Awards under this subsection shall be peer reviewed and competitively awarded. The Director shall select proposals to receive awards—

“(A) that utilize innovative or collaborative approaches to solving the problem described in the competition;

“(B) that will improve the competitiveness of industries in the region in which the Center or Centers are located; and

“(C) that will contribute to the long-term economic stability of that region.

“(6) PROGRAM CONTRIBUTION.—Recipients of awards under this subsection shall not be required to provide a matching contribution.”

SEC. 6. SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) LABORATORY ACTIVITIES.—There are authorized to be appropriated to the Secretary of Commerce for the scientific and technical research and services laboratory activities of the National Institute of Standards and Technology—

(1) \$425,688,000 for fiscal year 2005, of which—

(A) \$55,777,000 shall be for Electronics and Electrical Engineering;

(B) \$29,584,000 shall be for Manufacturing Engineering;

(C) \$50,142,000 shall be for Chemical Science and Technology;

(D) \$42,240,000 shall be for Physics;

(E) \$62,724,000 shall be for Material Science and Engineering;

(F) \$23,594,000 shall be for Building and Fire Research;

(G) \$60,660,000 shall be for Computer Science and Applied Mathematics, of which \$2,800,000 shall be for activities in support of the Help America Vote Act of 2002;

(H) \$17,445,000 shall be for Technical Assistance; and

(I) \$78,102,000 shall be for Research Support Activities;

(2) \$446,951,000 for fiscal year 2006;

(3) \$469,299,000 for fiscal year 2007; and

(4) \$492,764,000 for fiscal year 2008.

(b) MALCOLM BALDRIGE NATIONAL QUALITY AWARD PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a)—

(1) \$5,400,000 for fiscal year 2005;

(2) \$5,535,000 for fiscal year 2006;

(3) \$5,674,000 for fiscal year 2007; and

(4) \$5,815,000 for fiscal year 2008.

(c) CONSTRUCTION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology such sums as may be necessary for each of fiscal years 2005 through 2008.

SEC. 7. STANDARDS EDUCATION PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) As part of the Teacher Science and Technology Enhancement Institute Program, the Director of the National Institute of Standards and Technology shall carry out a Standards Education program to award grants to institutions of higher education to support efforts by such institutions to develop curricula on the role of standards in the fields of engineering, business, science, and economics. The curricula should address topics such as—

(A) development of technical standards;

(B) demonstrating conformity to standards;

(C) intellectual property and antitrust issues;

(D) standardization as a key element of business strategy;

(E) survey of organizations that develop standards;

(F) the standards life cycle;

(G) case studies in effective standardization;

(H) managing standardization activities; and

(I) managing organizations that develop standards.

(2) Grants shall be awarded under this section on a competitive, merit-reviewed basis and shall require cost-sharing from non-Federal sources.

(b) SELECTION PROCESS.—(1) An institution of higher education seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include at a minimum—

(A) a description of the content and schedule for adoption of the proposed curricula in the courses of study offered by the applicant; and

(B) a description of the source and amount of cost-sharing to be provided.

(2) In evaluating the applications submitted under paragraph (1) the Director shall consider, at a minimum—

(A) the level of commitment demonstrated by the applicant in carrying out and sustaining lasting curricula changes in accordance with subsection (a)(1); and

(B) the amount of cost-sharing provided.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the Teacher Science

and Technology Enhancement Institute program of the National Institute of Standards and Technology—

(1) \$773,000 for fiscal year 2005;

(2) \$796,000 for fiscal year 2006;

(3) \$820,000 for fiscal year 2007; and

(4) \$844,000 for fiscal year 2008.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce, or other appropriate Federal agencies, for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l)—

(1) \$110,000,000 for fiscal year 2005, of which not more than \$4,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(2) \$115,000,000 for fiscal year 2006, of which not more than \$4,100,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(3) \$120,000,000 for fiscal year 2007, of which not more than \$4,200,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)); and

(4) \$125,000,000 for fiscal year 2008, of which not more than \$4,300,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)).

In any fiscal year for which appropriations are \$106,000,000 or greater, none of the funds appropriated pursuant to this subsection shall be used for a general recompetition of Centers established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

(b) COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Collaborative Manufacturing Research Pilot Grants program under section 33 of the National Institute of Standards and Technology Act—

(1) \$10,000,000 for fiscal year 2005;

(2) \$10,000,000 for fiscal year 2006; and

(3) \$10,000,000 for fiscal year 2007.

(c) FELLOWSHIPS.—There are authorized to be appropriated to the Secretary of Commerce for Manufacturing Fellowships at the National Institute of Standards and Technology under section 18(b) of the National Institute of Standards and Technology Act, as added by section 4 of this Act—

(1) \$1,500,000 for fiscal year 2005;

(2) \$1,750,000 for fiscal year 2006;

(3) \$2,000,000 for fiscal year 2007; and

(4) \$2,250,000 for fiscal year 2008.

The CHAIRMAN pro tempore. No amendment to the committee amendment is in order excepted those printed in House Report 108-589. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House report 108-589.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. JACKSON-LEE of Texas:

In section 8(a), strike "In any fiscal year for which appropriations are \$106,000,000 or greater, none" and insert "None".

The CHAIRMAN pro tempore. Pursuant to House Resolution 706, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from New York (Mr. BOEHLERT) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE of Texas.)

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume, and I want to thank again the ranking member for his leadership as well as the chairman. In many instances, we have come to this floor in a bipartisan manner.

Let me say to my colleagues that I frankly believe most of my argument has already been made by the Members on the floor. If I might cite my good friend, the gentleman from Georgia (Mr. GINGREY), he said MEPs have a proven track record. They have helped save 1,300 jobs and they have helped re-instate or boost up some \$61 million.

If we look at a map, we will see that MEPs, that is centers that help create manufacturing jobs, are spread throughout the Nation. I hold up for you four or five pages of MEP centers around the Nation. This must mean that they are important to us. But, unfortunately, this legislation suggests something other than that. Because what this legislation asks these centers to do is to recompute.

Now, in terms of productivity, that means we are wasting time on paperwork when it has already been established that these are efficient, effective centers that help create American jobs. All centers have already successfully competed for funding. Furthermore, according to an existing Public Law and NIST regulations, they are reviewed for performance every 2 years. The administration now wants to make all centers, regardless of past performance, reapply and recompute for funding. This is redundant and it is a waste of time.

Ask any small business whether or not they want to have a center in their locale stop work for 45 to 60 days to fool around with what they already do, which is a competitive, accurate and very detailed review every 2 years, while that small business's doors are being closed.

The administration wants to use recompetition to lock the program in to last year's low funding. What that mean, my colleagues? According to the gentleman from Georgia (Mr. GINGREY) it means those with a proven track record, those that have already proven to be effective, and those centers, according to the gentleman from Tennessee (Mr. GORDON), whose excellent assistance is very much valued, it

means we are targeting them for closing. This will just continue the downward trend of the loss of manufacturing jobs.

As I said, under current law, the centers are reviewed every 2 years. They are located all over the Nation. And, in fact, rescissions in 4 of the past 5 years have lowered the amount of money we have appropriated. So what is in the bill does not work. My good friend, the chairman, has put in \$106 million and says we do not have to re-compete. Well, my colleagues, we have no guarantee it will be \$106 million, and, before we know it, we will be closing these centers all over the country.

Let me cite for a moment what happened in Texas with the Texas Manufacturing Extension Center. Following a tour of Garrett's manufacturing facility, that is a place in Texas, we found out that they had problems. Imagine, if you will, with the work of the Texas Manufacturing Assistance Center, we put that Garrett Company right back on its feet, and I am delighted to report that they have increased their production between 2001 and 2003 and they reduced their required floor space by 33 percent. They are producing jobs, making things with their hands and their minds. That is what these centers help us do.

I offer this amendment because it strikes this recompetition, because recompetition, my colleagues, means closing down these centers and losing manufacturing jobs.

Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. GORDON), the distinguished ranking member.

Mr. GORDON. Mr. Chairman, I rise in strong support of the Jackson-Lee amendment.

Mr. Chairman, I know our chairman, the gentleman from New York (Mr. BOEHLERT), strongly supports the MEP program, but he also knows that this administration does not. In the last 3 years, they have tried to close down the MEP program. The Jackson-Lee amendment simply stops the administration from doing administratively what they have not been able to do legislatively.

I ask my colleagues to support this amendment and to keep a strong MEP program.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time, and I thank the distinguished ranking member.

Let me just say that I am prepared to support this legislation. As I indicated, it is a partnership between the bill offered by the gentleman from Colorado (Mr. UDALL), which would have flourished more, but we recognize and respect what has been attempted here. I wish we could work in a bipartisan way on this, but I am not going to stand by, and I do not think any Member should stand by, and as our ranking member said, do a back-door closing of these centers which are valuable in creating jobs.

Mr. Chairman, every one of us can cite examples of the value of this program. And I just want to remind my colleagues that if they allow this engagement in recompetition, they will be engaged in a shutdown of centers in their communities. But, more importantly, they are going to shut them down for 60 days while small businesses and manufacturing companies need them.

We can adhere to a system that works, the 2-year review, and I will cite the gentleman from Georgia once again. This program has a proven track record and we do not need to have a recompetition. I ask for support of the Jackson-Lee amendment.

Mr. Chairman, my amendment will ensure that already-tight funding of the vital Manufacturing Extension Partnership (MEP) program is not wasted on an unnecessary "re-competition" process. MEP has proven itself to be one of the most sound investments we have made in our manufacturing sector.

In all of our districts, there are many small businesses that have gone to MEP centers, and taken advantage of the federal seed monies, and state/local partnerships—to make their businesses more productive and competitive—ultimately making more jobs for our constituents. Members of the House and Senate, from both sides of the aisle, have realized that cutting funding of the MEP programs last year was not smart considering our still-struggling manufacturing sector. I am pleased to hear that there are plans to reinstate the MEP with full funding; however, it seems that the Administration is trying to lock us in to the inappropriately low funding-levels.

The U.S. Department of Commerce CFO sent a letter to Chairman JUDD GREGG of the Senate Appropriations Committee in May of this year, explaining that the Administration plans to force all MEP centers—regardless of how well they are performing—to re-compete for funding to make it easier to scale back the number of MEP centers. However, MEP grants are already awarded on a highly-competitive basis, and ongoing funding is already subject to continual review.

Currently, P.L. 100-418 (passed on August 23, 1988) requires each Center to be evaluated during the third and sixth years and every two years thereafter by a panel of experts. Moreover, Section 290.8 (Reviews of Centers), Part 290, Title 15 of the Code of Federal Regulations mandates the conduct of periodic year reviews of Centers by a Merit Review Panel.

NIST has established specific guidelines, "The MEP Periodic Panel Reviews: Purpose and Overview." The purpose of this NIST review is to: 1) Ensure Program Accountability, 2) Promote Continuous Improvement; and 3) Contribute to Intra-MEP System Knowledge Sharing. The guidelines go as far to state, "The results of the review process should provide NIST MEP with information needed to help with the decision as to whether to continue Federal funding for the reviewed Center." In the case of a negative review, there may be another Follow-up Review that would be in addition to any regularly scheduled Panel or Annual Review.

Given the rigor of the current review process, I'm not certain what this section is trying to fix. This Committee has held no hearings

on the MEP Center review process, nor has any Member brought this issue up with the administration representatives during any hearings we have had. I would note that as recently as our budget hearing which included Phil Bond, Undersecretary for Technology, who has responsibility for MEP, not one Member questioned Undersecretary Bond about the MEP review process or perceived problems with it.

Re-competition fixes a problem that doesn't exist. It seems that it is simply enabling the long-term goal of the Administration to scale back this program, and ultimately to zero-it-out. When our economy is struggling to get back on track, and so many American workers remain either unemployed or underemployed, this is the wrong time to cut a program so valuable for stimulating productivity in our small businesses and industries.

The Department of Commerce's recent suggestion that all centers throughout the country face re-competition will destroy an effective national infrastructure that has taken 14 years to build and will reduce services to manufacturers.

Officials from the MEP center in Texas have explained that having to re-compete will cause them to halt services for 45–60 days so that their small over-burdened staff can evaluate needs and complete applications. If we start to tinker with this successful program, manufacturers and MEP Centers will be reluctant to initiate projects for fear that Centers may not exist to complete projects. This break in productivity will waste taxpayer dollars and serve no one.

MEP is widely recognized for its effectiveness and efficiency. It has been recognized by the National Academy of Public Administration, was a finalist for Harvard University's Innovations in American Government award, and fared well in OMB's PART analysis.

The people of Texas have seen the benefits of the MEP program. Just one example is Garrett Metal Detectors of Garland, Texas, manufacturers of security and hobby metal detectors. There was tremendous demand for metal detectors after the 9/11 attacks, but their small business couldn't compete in the world market. So, they came to the Texas Manufacturing Assistance Center (TMAC). Following a tour of Garrett's manufacturing facilities, TMAC identified major improvement strategies for the Company's production assembly. The Garrett/TMAC team significantly improved product flow and implemented Lean Manufacturing techniques. Overall production increased 35% between 2001 and 2003, as they reduced required floor space by 33%. This extra efficiency enabled them to become a leader in the field and to increase their work force by one-third. And we are all safer for it—all for a very small initial federal investment of less than \$17,000.

In the Science Committee mark-up, I offered an amendment that would have blocked the use of appropriated funds for a general recompetition of MEP Centers. It seemed that Chairman BOEHLERT agreed with the sentiment, but he modified my amendment by blocking re-competition as long as funding is at least \$106 million. He argued that appropriators are planning on funding MEP at \$106 million, implying that his amendment would thus prevent a wasteful and unnecessary recompetition for 2005. However, if across-the-board cuts are applied again this year as predicted—even if only 0.1 or 0.2%—funding

will fall below \$106 million and could trigger a re-competition that no one in Congress seems to be arguing for. Besides, putting in any re-competition cut-off line, or trigger, is a mistake. When funding is low, it makes even less sense to waste money and resources on re-competition.

Most of our MEP centers are performing admirably, making small businesses more competitive and creating jobs, with small federal investments. Those that are not are already subject to review and de-funding. Let's not waste taxpayer dollars hampering this important program. I hope you will support this amendment.

□ 1430

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment was defeated in committee because, quite frankly, it is not a particularly good idea.

This amendment sounds great on the surface. It says let us not let the administration have a competition in which all of the MEP centers compete against each other to see who stays in business. Such a general competition sounds like a hostile act which should be prevented. If there is enough money to fund all of the centers, as we hope there will be, then a recompetition would be a hostile act. But what if Congress fails to appropriate sufficient funding for all of the centers. How is any administration supposed to decide which centers should continue?

It makes no sense at all to prevent a recompetition if there is not enough money for all of the centers to function effectively.

If the gentlewoman's amendment passed and funding became low, the administration would simply have to reduce funding to any center which would prevent all of them from doing their jobs well. That simply makes no sense.

In committee, we thought what the gentlewoman from Texas (Ms. JACKSON-LEE) might be trying to do was to prevent successful centers from being closed even when funding was adequate, so we added language to the bill that says the administration cannot re-compete the centers if funding is at or above \$106 million, what everyone considers the minimum necessary to keep all of the existing centers operating well, and the level that the House approved in the Commerce appropriation bill within the past 24 hours. So they have the message. We sent it, they received it. They acted favorably on it.

So this bill already protects the centers from any hostile recompetition if funding is sufficient to fund all of them. The bill will prevent any spurious efforts to close centers, so I am truly baffled about what the gentlewoman is trying to accomplish here.

The way to avoid a recompetition is to provide full funding which this bill authorizes. But if we fail to provide the promised funding, all this amendment

would do is force all of the centers to function less efficiently because none would have enough money to do their job. This amendment creates problems without solving any. I urge its defeat.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SIMPSON). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 108-589.

AMENDMENT NO. 2 OFFERED BY MR. LARSON OF CONNECTICUT

Mr. LARSON of Connecticut. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. LARSON of Connecticut:

In section 2(a)(1), strike "Commerce for Technology" and insert "Commerce for Manufacturing and Technology".

Redesignate section 8 as section 9.

After section 7, insert the following new section:

SEC. 8. MANUFACTURING AND TECHNOLOGY ADMINISTRATION.

Section 5 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended to read as follows:

"SEC. 5. MANUFACTURING AND TECHNOLOGY ADMINISTRATION.

"(a) ESTABLISHMENT.—There is established in the Department of Commerce a Manufacturing and Technology Administration, which shall operate in accordance with the provisions, findings, and purposes of this Act. The Manufacturing and Technology Administration shall include—

"(1) the National Institute of Standards and Technology;

"(2) the National Technical Information Service; and

"(3) a policy analysis office, which shall be known as the Office of Manufacturing and Technology Policy.

"(b) UNDER SECRETARY AND ASSISTANT SECRETARIES.—The President shall appoint, by and with the advice and consent of the Senate, to the extent provided for in appropriations Acts—

"(1) an Under Secretary of Commerce for Manufacturing and Technology, who shall be compensated at the rate provided for level III of the Executive Schedule in section 5314 of title 5, United States Code;

"(2) an Assistant Secretary of Manufacturing who shall serve as a policy analyst for the Under Secretary; and

"(3) an Assistant Secretary of Technology who shall serve as a policy analyst for the Under Secretary.

"(c) DUTIES.—The Secretary, through the Under Secretary, as appropriate, shall—

"(1) manage the Manufacturing and Technology Administration and supervise its agencies, programs, and activities;

"(2) conduct manufacturing and technology policy analyses to improve United

States industrial productivity, manufacturing capabilities, and innovation, and cooperate with United States industry to improve its productivity, manufacturing capabilities, and ability to compete successfully in an international marketplace;

"(3) identify manufacturing and technological needs, problems, and opportunities within and across industrial sectors, that, if addressed, could make significant contributions to the economy of the United States;

"(4) assess whether the capital, technical, and other resources being allocated to domestic industrial sectors which are likely to generate new technologies are adequate to meet private and social demands for goods and services and to promote productivity and economic growth;

"(5) propose and support studies and policy experiments, in cooperation with other Federal agencies, to determine the effectiveness of measures for improving United States manufacturing capabilities and productivity;

"(6) provide that cooperative efforts to stimulate industrial competitiveness and innovation be undertaken between the Under Secretary and other officials in the Department of Commerce responsible for such areas as trade and economic assistance;

"(7) encourage and assist the creation of centers and other joint initiatives by State or local governments, regional organizations, private businesses, institutions of higher education, nonprofit organizations, or Federal laboratories to encourage technology transfer, to encourage innovation, and to promote an appropriate climate for investment in technology-related industries;

"(8) propose and encourage cooperative research involving appropriate Federal entities, State or local governments, regional organizations, colleges or universities, nonprofit organizations, or private industry to promote the common use of resources, to improve training programs and curricula, to stimulate interest in manufacturing and technology careers, and to encourage the effective dissemination of manufacturing and technology skills within the wider community;

"(9) serve as a focal point for discussions among United States companies on topics of interest to industry and labor, including discussions regarding manufacturing, competitiveness, and emerging technologies;

"(10) consider government measures with the potential of advancing United States technological innovation and exploiting innovations of foreign origin and publish the results of studies and policy experiments; and

"(11) assist in the implementation of the Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.)."

The CHAIRMAN pro tempore. Pursuant to House Resolution 706, the gentleman from Connecticut (Mr. LARSON) and the gentleman from Michigan (Mr. EHLERS) each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

(Mr. LARSON of Connecticut asked and was given permission to revise and extend his remarks.)

Mr. LARSON of Connecticut. Mr. Chairman, I would like to join in thanking both the ranking member and the distinguished chairs for the hard work which has been put forward on this bill. I just think we need an administration worthy of their ideas.

As we look at this particular bill, I want to go into the genesis of this

thought. As the gentleman from Tennessee (Mr. GORDON) has pointed out in his opening remarks, the gentleman from Michigan (Mr. EHLERS) initially included this in his approach to the administration. It is strongly needed.

At a Chamber of Commerce meeting in my district between the communities of Bristol, Berlin and Southington, they talked at great length. In fact, if I closed my eyes, I was astonished, it seemed like I was at an AFL-CIO meeting, and yet they were talking about the concerns that small manufacturers have today and the need to have a strong voice within the Department of Commerce.

They wondered out loud how is it in this great country of ours we can have a Department of Agriculture and not have a department of manufacturing, and not have at least an under secretary who is going to speak out on their behalf. Candidly, they would say to me after the meeting, when we first saw labor being outsourced, when we first saw what was happening to labor, we kind of looked the other way, never thinking we would be next. Now we know it is happening to us, and now we need to have a strong voice in Congress and the administration.

The gentleman from Arizona (Mr. FLAKE) said before he hoped what we could achieve is something in the area of benign neglect. Would it be it was just benign neglect. What we have in this case is outright negligence on the part of Congress by not dealing with these issues; and if I dare say, plain indifference on the part of this administration to the problems that individuals are facing.

It is because of that indifference, indifference to the labor force, indifference to the small manufacturers, indifference to the working people and the hard work which has been put forth on behalf of these individuals and the loss of jobs in this country that we put forward this amendment.

This amendment simply states very clearly to create an under secretary within the Department of Commerce so we can refocus once begin the great energies and harness the great engine of industry here in this country. In doing so, we did so within existing resources. We did so knowing that we did not want to have another assistant to the assistant to the assistant and mix that with service sector industries. We wanted what the manufacturers wanted, an under secretary who would focus on the area of technology.

Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I believe there is a real need for a manufacturing czar. The administration has said it much, but one would never know it from the underlying bill. They have created a position not of real authority and substance, but rather a marginal position in the trade agency, and this administration has shown its hand by doing this.

The National Coalition For Advanced Manufacturing has said this position should focus solely on manufacturing. It should be an under secretary position within the Department of Commerce. Instead, the administration has named an assistant secretary for manufacturing and services within the International Trade Administration, an agency that does not have the range of expertise to address the issues before our manufacturers. As if to prove they are not serious about this position, the administration proposes no funding to support it.

Mr. Chairman, what we should be doing is creating a manufacturing and technology administration that provides a comprehensive approach, and sends a signal that Congress takes this crisis seriously.

Mr. Chairman, 8.2 million workers are unemployed in this country right now. They face rising health care costs, rising college tuition, and rising gas prices. What could possibly be more important than revitalizing one of the backbones of our economy? Nothing, Mr. Chairman. Support the Larson amendments.

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would just close by saying that this accounts for more than 17 percent of our Nation's GDP, it provides for 71 percent of our exports, and funds 67 percent of our Nation's R&D investments. That is what we are talking about when we are addressing this issue of manufacturing. Roosevelt said it best about this administration, "They are frozen in the ice of their own indifference," indifference towards working people and indifference towards the small manufacturers of this country.

Mr. EHLERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am afraid I have not provided a built-in cheering and applause section, but I believe my ideas are probably worth more applause.

What the gentleman proposes is not a bad idea. I had proposed this myself some time ago, and not only in this department but also in the Energy Department I have worked on a similar proposal. The administration at the same time has advanced a proposal to reduce the number of under secretaries and does not support the development of new under secretaries.

But what the administration did in response to our request to create this under secretary for manufacturing in the Department of Commerce, the administration heeded these calls and it created a new assistant secretary for manufacturing and took other steps to create a focus on manufacturing in the department, such as creating a manufacturers' council which met just 2 weeks ago. They had their initial meeting. I was present at that meeting, and I was impressed with the quality of the appointees, and I am delighted that the President and the administration took these steps.

So I think it is really time to declare victory and go home on this issue because we basically got what we asked for. If instead the Larson amendment were adopted at this point, and if it passed through the Senate and were signed into law, it would force the administration to reorganize yet again. I think that would be counterproductive at that point. I am quite willing to live with the assistant secretary for a time and make sure it works out. If it does not work out, in a few years, we will resurrect the under secretary proposal.

In addition, I object to the reorganization the gentleman from Connecticut (Mr. LARSON) has proposed. I do not think it is the best way to proceed because it would add to the bureaucracy that sits on top of NIST, the National Institute of Standards and Technology, when in fact, our goal should be to get NIST out from under the burden of overmanagement. We would like it to have as much of its own funding as possible, as much latitude as possible, and control its own destiny through its own management structure. So I certainly object to that provision in the Larson amendment regardless of the rest of it.

I could go on regarding several other points, but I know there are many people anxious to have this debate ended soon and have the opportunity to go home and be with their families for the weekend. Let me close by saying I urge the defeat of this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Connecticut (Mr. LARSON).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. EHLERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut (Mr. LARSON) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 108-589.

AMENDMENT NO. 3 OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No 3 offered by Mr. PETERSON of Pennsylvania:

Page 10, line 21, strike "subsection" and insert "subsections".

Page 12, after line 17, insert the following: "(f) AUDITS.—A center that receives assistance under this section shall submit annual audits to the Secretary in accordance with Office of Management and Budget Circular A-133 and shall make such audits available to the public on request."

The CHAIRMAN pro tempore. Pursuant to House Resolution 706, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to first thank the members of this committee, the gentleman from New York (Chairman BOEHLERT), the gentleman from Michigan (Mr. EHLERS), and the ranking member, the gentleman from Tennessee (Mr. GORDON) for their good work at not only reauthorizing this program, but strengthening this program. I think it is vital at this time that we do that; but I think also if programs are going to serve us well, it is important that they are accountable, that they are accountable to the public they serve.

Currently in law, they have to have audited budgets that go back to the State and Federal agency that fund them. But I have had the unfortunate situation of having one of these agencies who, when members of the community or the press asked for a copy of their audited budget, they were told that they were a 501(c)(3) not for profit and they were private. This was private business.

Mr. Chairman, when programs are funded with Federal dollars, with State tax dollars, they are public programs. In my view, accountability can be obtained from Federal and State oversight, but real accountability comes when the people they service and press and interested citizens locally have the ability to look and evaluate their records.

My amendment simply says, it clarifies and ensures these audits are available to OMB, but they are also available to the public and press upon request. I think that is important in making sure that these programs are efficient, that they are well-run, and they are on the right priorities, that they are serving the right part of the manufacturing community, and that our other economic development agencies have the ability to work closely with them and ensure that we get the biggest bang for the buck.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Pennsylvania. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I wanted to thank the gentleman from Pennsylvania (Mr. PETERSON) for working with us on this amendment. The amendment very sensibly codifies existing procedures to ensure just what the gentleman wants to do. Taxpayer money is not wasted. We accept the amendment.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman very much and congratulate him for his good work.

Mr. GORDON. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose this amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the spirit of bipartisanship, I want to accept this modest amendment to a modest bill that makes a modest improvement.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The amendment was agreed to.

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The CHAIRMAN pro tempore (Mr. SIMPSON). It is now in order to consider amendment No. 4 printed in House Report 108-589.

AMENDMENT NO. 4 OFFERED BY MR. GORDON

Mr. GORDON. Mr. Chairman, I offer an amendment.

The Chairman pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. GORDON:
Redesignate section 8 as section 9.

After section 7, insert the following new section:

SEC. 8. MANUFACTURING EXTENSION CENTERS.

(a) MANUFACTURING TECHNOLOGY CENTER COST SHARING.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting “, except that for each of fiscal years 2005 through 2008 such funding may be as much as a one half of such costs” after “Center under the program”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce, or other appropriate Federal agencies, for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l)—

(1) \$120,600,000 for fiscal year 2005, of which not more than \$4,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(2) \$132,400,000 for fiscal year 2006, of which not more than \$4,100,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(3) \$145,300,000 for fiscal year 2007, of which not more than \$4,200,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)); and

(4) \$159,500,000 for fiscal year 2008, of which not more than \$4,300,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)).

In any fiscal year for which appropriations are \$106,000,000 or greater, none of the funds appropriated pursuant to this subsection shall be used for a general recompetition of Centers established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

The CHAIRMAN pro tempore. Pursuant to House Resolution 706, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very straightforward amendment. My amendment

increases funding for the Manufacturing Extension Partnership program by 10 percent a year, starting in fiscal year 2005, continuing through fiscal year 2008. In addition, it provides the administration with greater flexibility in determining the Federal cost-share of the MEP centers.

This is a much-needed amendment. Last year through the combined actions of the administration and this Congress, MEP was essentially gutted with a two-thirds funding cut. While I am pleased that the Commerce appropriations bill passed on the floor yesterday provided MEP with \$106 million, we can and should do better for MEP both this year and the future.

From 2000 to 2003, the MEP was held level at about \$105 million. These numbers are down from the \$127 million in fiscal year 1999. Over this period there has been no adjustment for inflation during a time when, in the face of fierce international competition, small manufacturers are closing at a record pace across our country.

Study after study has shown that small manufacturers are underserved by MEP. There just is not enough funding for MEP to reach out to help all the small manufacturers who need their assistance. My amendment would correct this situation.

I would also like to point out that H.R. 3598 as introduced by the gentleman from Michigan (Mr. EHLERS) late last year contained significantly more funding for MEP, \$60 million more than what is on the floor today. I think the gentleman from Michigan (Mr. EHLERS) got it right the first time before he began negotiating with the administration and moved backwards.

My amendment also allows for flexibility in the Federal cost-sharing for MEP. Currently the Federal cost-share can be no more than one third of the center's total cost. This amendment would allow the Federal cost-share to be up to one half of the center's total cost. The size of the cost-share will be determined by the administration. The National Association of Public Administrators at the administration's request recently completed a 2-year study of the MEP. One of the recommendations was to allow more flexibility in the Federal cost-sharing. My amendment does just that.

The Modernization Forum, the umbrella group representing MEP centers, has said that my amendment would benefit the MEP centers. However, they are under the impression that the acceptance of this amendment would jeopardize passage of the bill.

Do we really believe the President would veto this bill because of a provision which simply endorses a small increase in MEP funding? I would remind my colleagues that this House frequently adopts bills or amendments that the White House opposes. That is why we have separation of powers in our Constitution, so that we can reach judgments independent of those mandated by the White House. Just yesterday the House passed the Manzullo

amendment, allocating more needed funding for the Small Business Administration by a margin of 281 to 137. And I remind the Members that the gentleman from New York (Mr. BOEHLERT) and 13 of the 24 House Committee on Science Republicans voted "yes." The majority of the House which supported the Manzullo amendment did not seem to be concerned about endangering the passage of the bill.

The argument that my amendment would doom this bill is a red herring. The real reason that the majority opposes this amendment is pretty obvious. The administration is unwilling to admit that it has systematically tried to ruin the MEP program, and it refuses to support realistic levels of funding that the MEP needs to support our Nation's small manufacturers.

I am asking the Members today to do the right thing and vote "yes" on an amendment that sends a strong signal that this treatment must stop and that puts the MEP on the right track.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from New York (Mr. BOEHLERT) is recognized for 10 minutes.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment offered by the gentleman from Tennessee (Mr. GORDON), my good friend. I would say that, in an ideal world, this would be a good amendment. I would define an ideal world as one in which money was unlimited. In short, it is a world very different from the one in which we live.

This amendment would add \$88 million in additional spending to the bill. That is just not realistic in this budget environment. And quite rightly, the administration is not going to support a bill that adds that much more money. So what this amendment would do is kill the bill. If we truly want to help manufacturers, we need to defeat this amendment. And let me emphasize once again that this bill already contains a significant increase for the MEP program, an increase of more than 200 percent from current levels. So this is hardly a parsimonious bill. The additional money the gentleman from Tennessee (Mr. GORDON) is proposing would be nice, but it is not critical to the success of the MEP program. The money that is already in the bill is critical, a 200 percent increase; and we should be doing what we can to ensure that this bill becomes law.

In addition to adding money, the gentleman from Tennessee's (Mr. GORDON) amendment would increase the Federal share of the MEP centers' budgets. I know that the MEP centers have not had the best year, but I do not think that increasing the share from the Federal Government is necessarily a good idea. Let me remind my colleagues

that the original version of the MEP centers was that they would not receive any money after their 6th year.

The current MEP formula involves a true partnership between the Federal Government, the States, and the MEP's clients. That is a good partnership that ensures that MEPs are truly providing valiant services. I do not think we should tinker with a successful formula.

So I urge defeat of this amendment. The base bill already provides the money the MEP centers need most through a formula that ensures that the centers will continue to be responsive to their States and, most importantly, to the customers that they are trying to help. This amendment would sink the bill, a pretty high price to pay for an amendment that does not provide anything that is necessary and that tinkers with a recipe that has led to MEP's success, and I urge its defeat.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong support of the Gordon amendment that would increase funding for the Manufacturing Extension Partnership program.

The MEP program has successfully helped small manufacturers to modernize and stay competitive in the global marketplace. I do not believe that the administration would veto a whole bill based upon the fine amendment of the gentleman from Tennessee (Mr. GORDON).

For example, I know that MEP has directly helped a number of companies in my district including Jacquart Fabric Products with 100 workers in Ironwood and Horner Flooring Company, which employs 100 people in Dollar Bay, Michigan.

At a time when millions of manufacturing jobs are being lost, we need to fully fund the Manufacturing Extension Partnership, not continually undercutting this valuable program which the administration insists on doing every year.

The program is currently authorized at \$106 million, but the President only asked for a mere \$39 million in fiscal year 2005. \$39 million for MEP will cost the U.S. tens of thousands more manufacturing jobs. This is not what we need in this country.

These programs help small manufacturers with everything from plant modernization to employee training. Also, if the majority is really serious about helping manufacturers, it would fund MEP in this bill at the necessary authorization level instead of flat-funding it.

The gentleman from Tennessee's (Mr. GORDON) amendment, however, recognizes the need for additional resources and calls for \$129 million in fiscal year 2005 followed by a 10 percent yearly in-

crease through fiscal 2008. This is not a time to shortchange American manufacturers when they need it most. Support the Gordon amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I must rise in opposition to the amendment being offered by the gentleman from Tennessee.

There are two reasons. First of all, it increases the MEP authorization by a considerable amount above the levels that are likely to succeed in the House and the Senate and through the administration; and we simply cannot, given the budget situation this year, increase the level that much and have any expectation that the appropriations will match that.

Furthermore, the second reason is that the Gordon amendment will increase the Federal share of money for the centers; and given the shortage of money that we have this year, we want to maximize the use of the funds that we do have available and certainly do not want to add to the Federal burden, particularly because there might be some danger that the States will simply say, well, if the Federal Government has more money to give, we are going to reduce our share because, as we know, every State of this Union is facing severe financial difficulties. We certainly do not want to try to change the formula, first of all, because we do not have the money to do it and pay more and, secondly, because of the fear that the States may use this as an opportunity to reduce their share.

So I oppose the Gordon amendment; and perhaps when better times come and we have a better budget situation, it will be entirely appropriate to increase the authorization levels and also the funding levels, and it would be my dream that that happens. But it is not going to happen this year or next fiscal year, and I doubt very much it will happen during the lifetime of this authorization.

So I urge the defeat of the Gordon amendment, and I urge all my colleagues to support our efforts to defeat it.

Mr. GORDON. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman for yielding me this time for this opportunity on this phenomenal amendment.

I come from the great State of Ohio that has been getting blistered as far as losing manufacturing jobs, and I think this amendment should not be 10 percent. This amendment should be 100 percent. This bill should be doubled and tripled. These are investments that we need to make in this country. We need to invest in the manufacturing sector of this country. And I think we have done a real disservice over the past few years in this Chamber with the political rhetoric that makes it

sound like the government does not do anything well, that government investment does not work, and that the government needs to get out and let the free market work.

But when we look at the history of this country, when we look at Eli Whitney, when we look at Samuel Morris, when we look at RCA, and when we look at the Wright Brothers, all of these began with the Federal Government stepping in and making an investment. We are good at this. We are good at this. And we need to keep going.

And we are not playing in a free market. When we have to compete with China with no labor laws, no environmental laws, no human rights, how can we compete? China is doing programs like this. Taiwan is doing programs like this. Japan, Europe. The United States is trying to establish a rules-based system, and every other country is playing to win, and it is time the United States Government plays to win.

And I am sick and tired of hearing how we do not have any money in this Congress. We do not have money because we are giving billions away in tax cuts and we are losing the manufacturing war, and we need to start making these investments.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from New York (Mr. BOEHLERT) for sitting in the chair, and I also want to thank the gentleman from Michigan for being so involved in this whole process.

Mr. Chairman, as a strong supporter of MEP, I have come to the floor to urge a vote against this amendment. I am for MEP, but I am against this amendment.

Let me tell the Members why. I am against it because funding MEP at \$106 million, which is the level of funding the program has provided in H.R. 4754, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for fiscal year 2005, is exactly what we want. Just yesterday the House of the Representatives passed the CJS by an overwhelming margin, 397 to 18. The \$106 million level is the point at which all MEP centers will continue to provide their valuable service to our Nation's manufacturers.

Additionally, the bill before us today already authorizes significantly increased funding for the MEP program. In fact, the legislation already increases MEP funding by more than 200 percent compared to the current fiscal year 2004 level.

□ 1500

Furthermore, the amendment offered by the gentleman from Tennessee (Mr. GORDON) would allow the Federal-State-private network match to increase from one-third to one-half. An

increase to a one-half match would jeopardize the MEP network and increase its vulnerability.

The one-third match has been in place for many years, and centers have long known that they cannot rely exclusively on Federal funds. This one-third match from the Federal Government, State governments and the private sector, is critical to maintaining the balanced program well into future.

Mr. Chairman, I oppose the Gordon amendment, and urge my colleagues to vote no.

In closing, let me again commend the gentleman from Michigan (Mr. EHLERS) for his leadership in bringing this to the floor. He has been an outstanding champion on this bill and a great example.

I urge a no vote on the Gordon amendment.

Mr. GORDON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I have listened to my friends on the other side of the aisle, including the chairman, and they seem to be confused, particularly when they speak in opposition to amendments offered by Democrats that, by and large and overall, do nothing but strengthen the MEPs and make them stronger.

Just a few minutes ago, we, in a collegial and respectful manner, accepted the amendment of the gentleman from Pennsylvania (Mr. PETERSON) because that too would strengthen MEPs.

Let us put the facts on the table. The Gordon amendment is necessary. It keeps the MEPs, the Manufacturing Extension Partnership centers, from closing across the Nation, frankly.

Do you know that what is done by the administration is that the 200 percent increase is on \$39 million? My friends who are on the floor talking about how great the MEPs are, when you vote against the Gordon amendment, if you do that, you are voting to close that. If you vote against the Larson Amendment or the Jackson-Lee amendment, you are voting to close these things down.

Is it not interesting that we would suggest that the amendment that I offered did not make any sense? Well, I tell you, if we cut the NIH by \$1 million next year, would it make any sense for us to recompute every medical research lab in the country? No, it would not.

The amendment offered by the gentleman from Tennessee (Mr. GORDON) gives full funding where it should be. He acknowledges the fact in a reasonable and responsible manner that we need to increase by a modest \$5 million per year for FY 2006 and 2008, and this is an improvement on the Bush administration's effort to kill the program. But, of course, we can do better, and he goes on to provide extra incentives for this program.

I simply ask my colleagues to support the Gordon amendment and all

the Democratic amendments, because that means you are for keeping the MEP centers and building manufacturing jobs.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the issue here is not about the manufacturing extension program, the issue is about the dollars. When we talk about the issue of dollars, we talk about the practicality of the limited resources in the Federal Government that are distributed over a wide range of areas.

All of us collectively agree that the Manufacturing Extension Program is fundamental, it is good, so our argument is, let us make sure that we get this bill passed. It is \$470 million over 4 years, a 200 percent increase.

It will increase the ability for production, for efficiency in energy costs, for marketing strategies, for new technologies. It will dramatically increase the base of the manufacturing sector in this country by pulling together the collective ingenuity of partnerships from the Federal Government, one is one-third, the State government, which is one-third, and fees, which is one-third.

So I urge my colleagues, let us vote to ensure that we have a program that is reality, and not have a program in hopes of having a program, but in fact does not actually pass.

So I reluctantly urge my colleagues to vote against the Democratic amendments and vote for the base bill.

Mr. GORDON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing, let me just say without a doubt my friend, the gentleman from Michigan (Chairman EHLERS) and the gentleman from New York (Chairman BOEHLERT) support the MEP program. They have been champions for the MEP program. Probably we would not have the program right now if it had not been for their help and leadership, so I do clearly acknowledge that.

But it is simply not a credible argument to say that they must oppose this amendment because this \$60 million increase, which is pretty much in line with what the gentleman from Michigan (Mr. EHLERS) originally proposed, would bring down this bill because the administration thinks it is too much, when yesterday they both, as well as many other Members sitting here in the Chamber, Republican Members, voted for almost a \$80 million increase, against the administration's wishes, in a much-needed Small Business Administration program. So it is just not a credible argument.

We most all agree that the MEP is a good program. Let us try to fund it at least in a way that it can be efficient. As we mentioned earlier, for every \$1 that the Federal Government puts in,

it is matched by \$1 more from the State and \$1 additional from the private sector. That is good leverage, that is good business, and it is also a vote for the American worker.

Mr. Chairman, I yield back the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield 15 seconds to the distinguished gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I simply wanted to thank my colleague the gentleman from Michigan (Mr. KNOLLENBERG) for coming to the floor to indicate his support for this bill, and especially to thank him for his hard work on the Committee on Appropriations in getting the \$106 million funding for this year.

I also want to join in thanking the staff, Eric Webster, Olwen Huxley and David Goldston, who have worked so hard on this bill, as well as my staff member, Cameron Wilson. They have done yeoman work, and I deeply appreciate it.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, just let me say that this bill will prevent centers from closing. This bill will prevent centers from closing, without any amendments. I urge defeat of the Gordon amendment.

Mr. Chairman, I yield back the balance of my time.

THE CHAIRMAN pro tempore (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GORDON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, this vote on Amendment No. 4 by Mr. GORDON will be followed by 5 minute votes on amendments on which further proceedings were postponed in the following order: Amendment No. 1 by Ms. JACKSON-LEE of Texas, Amendment No. 2 by Mr. LARSON of Connecticut.

The vote was taken by electronic device, and there were—ayes 170, noes 192, not voting 71, as follows:

[Roll No. 355]

AYES—170

Abercrombie	Burr	Davis (AL)
Alexander	Capps	Davis (CA)
Allen	Capuano	Davis (FL)
Andrews	Cardin	Davis (IL)
Baca	Cardoza	Davis (TN)
Baird	Carson (OK)	DeFazio
Baldwin	Chandler	DeGette
Berman	Clay	DeLauro
Berry	Clyburn	Dingell
Bishop (GA)	Conyers	Doggett
Boswell	Cooper	Dooley (CA)
Boucher	Costello	Doyle
Brady (PA)	Cramer	Edwards
Brown (OH)	Crowley	Engel
Brown, Corrine	Cummings	Eshoo

Etheridge	Lucas (KY)	Rush
Evans	Lynch	Ryan (OH)
Farr	Maloney	Sabo
Filner	Markey	Sánchez, Linda
Ford	Marshall	T.
Frank (MA)	Matheson	Sanchez, Loretta
Frost	Matsui	Sanders
Gonzalez	McCarthy (MO)	Schakowsky
Goode	McCarthy (NY)	Schiff
Gordon	McCollum	Scott (GA)
Green (WI)	McDermott	Scott (VA)
Grijalva	McIntyre	Serrano
Gutierrez	Meehan	Sherman
Harman	Meek (FL)	Skelton
Herseeth	Menendez	Slaughter
Hill	Michaud	Smith (WA)
Hinojosa	Millender	Snyder
Holden	McDonald	Solis
Holt	Miller (NC)	Spratt
Honda	Miller, George	Stark
Hoolley (OR)	Mollohan	Stenholm
Hoyer	Moore	Strickland
Inslee	Moran (VA)	Stupak
Israel	Murtha	Tanner
Jackson (IL)	Nadler	Tauscher
Jackson-Lee	Napolitano	Taylor (MS)
(TX)	Neal (MA)	Thompson (CA)
Johnson, E. B.	Oberstar	Thompson (MS)
Kanjorski	Obey	Tierney
Kaptur	Oliver	Towns
Kennedy (RI)	Owens	Udall (CO)
Kildee	Pallone	Udall (NM)
Kind	Pascarell	Van Hollen
Kleczka	Peterson (MN)	Velázquez
Kucinich	Pomeroy	Visclosky
Lampson	Porter	Waters
Langevin	Price (NC)	Watson
Lantos	Rangel	Watt
Larsen (WA)	Rodriguez	Weiner
Larson (CT)	Ross	Woolsey
Levin	Rothman	Wu
Lewis (GA)	Roybal-Allard	Wynn
Lowey	Ruppersberger	

NOES—192

Aderholt	English	McCotter
Akin	Everett	McCrery
Bachus	Feeney	McHugh
Baker	Ferguson	McInnis
Ballenger	Flake	McKeon
Barrett (MD)	Foley	Miller (FL)
Bartlett (MD)	Forbes	Miller (MI)
Barton (TX)	Fossella	Miller, Gary
Bass	Frelinghuysen	Moran (KS)
Beauprez	Gallegly	Murphy
Bereuter	Garrett (NJ)	Musgrave
Biggett	Gibbons	Myrick
Bilirakis	Gilchrest	Nethercutt
Bishop (UT)	Gingrey	Neugebauer
Blackburn	Goodlatte	Ney
Blunt	Granger	Northup
Boehlert	Graves	Nunes
Boehner	Greenwood	Nussle
Bonilla	Hall	Osborne
Bonner	Harris	Ose
Bono	Hart	Otter
Boozman	Hastings (WA)	Oxley
Bradley (NH)	Hayes	Pearce
Brady (TX)	Hayworth	Pence
Brown (SC)	Hefley	Peterson (PA)
Brown-Waite,	Hensarling	Petri
Ginny	Herger	Pickering
Burgess	Hobson	Pombo
Burns	Hoekstra	Portman
Burton (IN)	Hostettler	Pryce (OH)
Buyer	Hulshof	Putnam
Cannon	Hyde	Radanovich
Cantor	Issa	Ramstad
Capito	Istook	Regula
Carter	Jenkins	Rehberg
Castle	Johnson (IL)	Renzi
Chabot	Johnson, Sam	Reynolds
Chocola	Jones (NC)	Rogers (AL)
Cole	Keller	Rogers (KY)
Cox	Kelly	Rogers (MI)
Crane	Kennedy (MN)	Rohrabacher
Crenshaw	King (IA)	Ros-Lehtinen
Cubin	King (NY)	Royce
Cunningham	Kingston	Ryan (WI)
Davis, Jo Ann	Kirk	Ryun (KS)
DeLay	Kline	Saxton
Diaz-Balart, L.	Knollenberg	Schrock
Diaz-Balart, M.	Kolbe	Sensenbrenner
Doolittle	Latham	Sessions
Dreier	Lewis (CA)	Shadegg
Duncan	Lewis (KY)	Shays
Dunn	LoBiondo	Sherwood
Ehlers	Lucas (OK)	Shimkus
Emerson	Manzullo	Shuster

Simmons	Thomas	Weldon (PA)
Simpson	Thornberry	Weller
Smith (MI)	Tiahrt	Whitfield
Smith (NJ)	Tiberi	Wicker
Smith (TX)	Toomey	Wilson (NM)
Souder	Turner (OH)	Wilson (SC)
Stearns	Upton	Wolf
Sullivan	Vitter	Young (AK)
Sweeney	Walden (OR)	Young (FL)
Taylor (NC)	Walsh	
Terry	Weldon (FL)	

NOT VOTING—71

Ackerman	Gerlach	McGovern
Becerra	Gillmor	McNulty
Bell	Goss	Meeks (NY)
Berkley	Green (TX)	Mica
Bishop (NY)	Gutknecht	Norwood
Blumenauer	Hastings (FL)	Ortiz
Boyd	Hinchey	Pastor
Calvert	Hoefel	Paul
Camp	Houghton	Payne
Carson (IN)	Hunter	Pelosi
Case	Isakson	Pitts
Coble	Jefferson	Platts
Collins	John	Quinn
Culberson	Johnson (CT)	Rahall
Davis, Tom	Jones (OH)	Reyes
Deal (GA)	Kilpatrick	Sandlin
Delahunt	LaHood	Shaw
DeMint	LaTourette	Tancredo
Deutsch	Leach	Tauzin
Dicks	Lee	Turner (TX)
Emanuel	Linder	Wamp
Fattah	Lipinski	Waxman
Franks (AZ)	Lofgren	Wexler
Gephardt	Majette	

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1530

Messrs. TURNER of Ohio, TIAHRT and NETHERCUTT changed their vote from “aye” to “no.”

Messrs. HONDA and DEFAZIO changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PASTOR. Mr. Chairman, on roll-call No. 355, had I been present, I would have voted “aye.”

AMENDMENT NO. 1 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 166, noes 197, not voting 70, as follows:

[Roll No. 356]

AYES—166

Abercrombie	Baca	Bishop (GA)
Alexander	Baird	Boswell
Allen	Baldwin	Boucher
Andrews	Berry	Brady (PA)

Brown (OH)	Israel	Pastor	Oxley	Royce	Taylor (NC)	Capps	Jefferson	Price (NC)
Brown, Corrine	Jackson (IL)	Pomeroy	Pearce	Ryan (WI)	Terry	Capuano	Johnson, E. B.	Rangel
Capps	Jackson-Lee	Porter	Pence	Ryun (KS)	Thomas	Cardin	Kanjorski	Rodriguez
Capuano	(TX)	Price (NC)	Peterson (MN)	Saxton	Thornberry	Carson (OK)	Kaptur	Ross
Cardin	Jefferson	Rangel	Peterson (PA)	Schrock	Tiahrt	Chandler	Kennedy (RI)	Roybal-Allard
Cardoza	Johnson, E. B.	Rodriguez	Petri	Sensenbrenner	Tiberi	Clay	Kildee	Ruppersberger
Carson (OK)	Kanjorski	Ross	Pickering	Sessions	Toomey	Clyburn	Kind	Rush
Chandler	Kaptur	Rothman	Pombo	Shadegg	Turner (OH)	Conyers	Klecicka	Ryan (OH)
Clay	Kennedy (RI)	Roybal-Allard	Portman	Shays	Upton	Cooper	Kucinich	Sabo
Clyburn	Kildee	Ruppersberger	Pryce (OH)	Sherwood	Vitter	Costello	Lampson	Sánchez, Linda T.
Conyers	Kind	Rush	Putnam	Shimkus	Walden (OR)	Cramer	Langevin	Sanchez, Loretta
Cooper	Klecicka	Ryan (OH)	Radanovich	Shuster	Walsh	Crowley	Lantos	Sanders
Costello	Kucinich	Sabo	Ramstad	Simmons	Weldon (FL)	Cummings	Larsen (WA)	Sandlin
Cramer	Lampson	Sánchez, Linda T.	Regula	Simpson	Weldon (PA)	Davis (AL)	Larson (CT)	Schakowsky
Crowley	Langevin	Sanchez, Loretta	Rehberg	Smith (MI)	Weller	Davis (CA)	Levin	Schiff
Cummings	Lantos	Sanders	Renzi	Smith (NJ)	Whitfield	Davis (FL)	Lewis (GA)	Scott (GA)
Davis (AL)	Larsen (WA)	Sandlin	Reynolds	Smith (TX)	Wicker	Davis (IL)	Lowe	Scott (VA)
Davis (CA)	Larson (CT)	Schakowsky	Rogers (AL)	Souder	Wilson (NM)	Davis (TN)	Lucas (KY)	Serrano
Davis (FL)	Levin	Schiff	Rogers (KY)	Stearns	Wilson (SC)	DeFazio	Lynch	Shays
Davis (IL)	Lewis (GA)	Scott (VA)	Rogers (MI)	Stenholm	Wolf	DeGette	Maloney	Sherman
Davis (TN)	Lowe	Serrano	Rohrabacher	Sullivan	Young (AK)	DeLauro	Markey	Simmons
DeFazio	Lucas (KY)	Sherman	Ros-Lehtinen	Sweeney	Young (FL)	Dingell	Marshall	Skelton
DeGette	Lynch	Slaughter				Dooley (CA)	Matheson	Slaughter
DeLauro	Maloney	Smith (WA)				Doyle	Matsui	Smith (WA)
Dingell	Markey	Snyder	Ackerman	Gephardt	McGovern	Edwards	McCarthy (MO)	Snyder
Doggett	Matheson	Solis	Becerra	Gerlach	McNulty	Engel	McCarthy (NY)	
Dooley (CA)	Matsui	Spratt	Bell	Gillmor	Meeks (NY)	Eshoo	McCollum	
Doyle	McCarthy (MO)	Stark	Berkley	Goss	Mica	Etheridge	McDermott	
Edwards	McCarthy (NY)	Strickland	Berman	Green (TX)	Norwood	Evans	McIntyre	
Engel	McCollum	Stupak	Bishop (NY)	Gutknecht	Ortiz	Farr	Meehan	
Eshoo	McDermott	Tanner	Blackburn	Hastings (FL)	Paul	Filner	Meek (FL)	
Etheridge	McIntyre	Tauscher	Blumenauer	Hinchey	Payne	Ford	Menendez	
Evans	Meehan	Taylor (MS)	Boyd	Hoeffel	Pelosi	Frank (MA)	Michaud	
Farr	Meek (FL)	Thompson (CA)	Calvert	Houghton	Pitts	Frost	Millender-	
Filner	Menendez	Thompson (MS)	Camp	Hunter	Platts	Gingrey	McDonald	
Ford	Michaud	Tierney	Carson (IN)	Isakson	Quinn	Gonzalez	Miller (NC)	
Frank (MA)	Millender-	Towns	Case	John	Rahall	Gordon	Miller, George	
Frost	McDonald	Turner (TX)	Coble	Johnson (CT)	Reyes	Grijalva	Mollohan	
Gonzalez	Miller (NC)	Udall (CO)	Collins	Jones (OH)	Scott (GA)	Harman	Moore	
Gordon	Miller, George	Udall (NM)	Culberson	Kilpatrick	Shaw	Hefley	Moran (VA)	
Grijalva	Mollohan	Van Hollen	Davis, Tom	LaHood	Skelton	Herseth	Murtha	
Gutierrez	Moore	Velázquez	Deal (GA)	LaTourette	Tancredo	Hill	Nadler	
Hall	Moran (VA)	Visclosky	Delahunt	Leach	Tauzin	Hinojosa	Napolitano	
Harman	Murtha	Waters	Lee	Linder	Wamp	Holden	Neal (MA)	
Herseth	Nadler	Watson	DeMint	Lipinski	Waxman	Holt	Ney	
Hill	Napolitano	Watt	Deutsch	Dicks	Wexler	Honda	Oberstar	
Hinojosa	Neal (MA)	Weiner	Emanuel	Lofgren		Hooley (OR)	Obey	
Holden	Oberstar	Wooley	Fattah	Majette		Hoyer	Olver	
Holt	Obey	Wu				Inslee	Owens	
Honda	Olver	Wynn				Israel	Pallone	
Hooley (OR)	Owens					Jackson (IL)	Pascrell	
Hoyer	Pallone					Jackson-Lee	Pastor	
Inslee	Pascrell					(TX)	Pomeroy	

NOT VOTING—70

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1536

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. LARSON OF CONNECTICUT

The CHAIRMAN pro tempore (Mr. SIMPSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. LARSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 189, not voting 74, as follows:

[Roll No. 357]

AYES—170

Aderholt	Davis, Jo Ann	Issa	Abercrombie	Baird	Boswell	Aderholt	Cunningham	Jenkins
Akin	DeLay	Istook	Alexander	Baldwin	Boucher	Akin	Davis, Jo Ann	Johnson (IL)
Bachus	Diaz-Balart, L.	Jenkins	Allen	Berman	Brady (PA)	Bachus	DeLay	Johnson, Sam
Baker	Diaz-Balart, M.	Johnson (IL)	Andrews	Berry	Brown (OH)	Baker	Diaz-Balart, L.	Jones (NC)
Ballenger	Doolittle	Johnson, Sam	Baca	Bishop (GA)	Brown, Corrine	Ballenger	Diaz-Balart, M.	Keller
Barrett (SC)	Dreier	Jones (NC)				Barrett (SC)	Doolittle	Kelly
Bartlett (MD)	Duncan	Keller				Bartlett (MD)	Dreier	Kennedy (MN)
Barton (TX)	Dunn	Kelly				Barton (TX)	Duncan	King (NY)
Bass	Ehlers	Kennedy (MN)				Bass	Dunn	Kingston
Beauprez	Emerson	King (IA)				Beauprez	Ehlers	Kirk
Bereuter	English	King (NY)				Bereuter	Emerson	Kline
Biggert	Everett	Kingston				Biggert	English	Knollenberg
Bilirakis	Feeney	Kirk				Bilirakis	Feeney	Kolbe
Bishop (UT)	Ferguson	Kline				Bishop (UT)	Ferguson	Latham
Blunt	Flake	Knollenberg				Blackburn	Flake	Lewis (CA)
Boehlert	Foley	Kolbe				Blunt	Foley	Lewis (KY)
Boehner	Forbes	Latham				Boehler	Forbes	LoBiondo
Bonilla	Fossella	Lewis (CA)				Bonner	Fossella	Lucas (OK)
Bonner	Franks (AZ)	Lewis (KY)				Bonilla	Franks (AZ)	Manzullo
Bono	Frelinghuysen	LoBiondo				Bonner	Frelinghuysen	McCotter
Boozman	Gallely	Lucas (OK)				Bono	Garrett (NJ)	McCrery
Bradley (NH)	Garrett (NJ)	Manzullo				Boozman	Gibbons	McHugh
Brady (TX)	Gibbons	Marshall				Bradley (NH)	Gilchrest	McInnis
Brown (SC)	Gilchrest	McCotter				Brady (TX)	Goode	McKeon
Brown-Waite,	Gingrey	McCrery				Brown (SC)	Goodlatte	Miller (FL)
Ginny	Goode	McHugh				Brown-Waite,	Granger	Miller (MI)
Burgess	Goodlatte	McInnis				Ginny	Graves	Miller, Gary
Burns	Granger	McKeon				Burgess	Green (WI)	Moran (KS)
Burr	Graves	Miller (FL)				Burns	Greenwood	Murphy
Burton (IN)	Green (WI)	Miller (MI)				Burr	Hall	Musgrave
Buyer	Greenwood	Miller, Gary				Burton (IN)	Harris	Myrick
Cannon	Harris	Moran (KS)				Buyer	Hart	Nethercutt
Cantor	Hart	Murphy				Cannon	Hastings (WA)	Neugebauer
Capito	Hastings (WA)	Musgrave				Cantor	Hayes	Northup
Carter	Hayes	Myrick				Capito	Hayworth	Nunes
Castle	Hayworth	Nethercutt				Carter	Hensarling	Nussle
Chabot	Hefley	Neugebauer				Castle	Herger	Osborne
Chocola	Hensarling	Ney				Chabot	Hobson	Ose
Cole	Herger	Northup				Chocola	Hoekstra	Otter
Cox	Hobson	Nunes				Cole	Hostettler	Oxley
Crane	Hoekstra	Nussle				Cox	Hulshof	Pearce
Crenshaw	Hostettler	Osborne				Crane	Hyde	Pence
Cubin	Hulshof	Ose				Crenshaw	Issa	Peterson (MN)
Cunningham	Hyde	Otter				Cubin	Istook	Peterson (PA)

NOES—189

Petri	Saxton	Tiahrt
Pickering	Schrock	Tiberi
Pombo	Sensenbrenner	Toomey
Porter	Sessions	Turner (OH)
Portman	Shadegg	Upton
Pryce (OH)	Sherwood	Vitter
Putnam	Shimkus	Walden (OR)
Radanovich	Shuster	Walsh
Ramstad	Simpson	Weldon (FL)
Regula	Smith (MI)	Weldon (PA)
Rehberg	Smith (NJ)	Weller
Renzi	Smith (TX)	Whitfield
Reynolds	Souder	Wicker
Rogers (AL)	Stearns	Wilson (NM)
Rogers (KY)	Sullivan	Wilson (SC)
Rohrabacher	Sweeney	Wolf
Ros-Lehtinen	Taylor (NC)	Young (AK)
Royce	Terry	Young (FL)
Ryan (WI)	Thomas	
Ryun (KS)	Thornberry	

NOT VOTING—74

Ackerman	Gallegly	Lofgren
Becerra	Gephardt	Majette
Bell	Gerlach	McGovern
Berkley	Gillmor	McNulty
Bishop (NY)	Goss	Meeks (NY)
Blumenauer	Green (TX)	Mica
Boyd	Gutierrez	Norwood
Calvert	Gutknecht	Ortiz
Camp	Hastings (FL)	Paul
Cardoza	Hinchee	Payne
Carson (IN)	Hoeffel	Pelosi
Case	Houghton	Pitts
Coble	Hunter	Platts
Collins	Isakson	Quinn
Culberson	John	Rahall
Davis, Tom	Johnson (CT)	Reyes
Deal (GA)	Jones (OH)	Rogers (MI)
Delahunt	Kilpatrick	Rothman
DeMint	King (IA)	Shaw
Deutsch	LaHood	Tancredo
Dicks	LaTourette	Tauzin
Doggett	Leach	Wamp
Emanuel	Lee	Waxman
Everett	Linder	Wexler
Fattah	Lipinski	

ANNOUNCEMENT BY THE CHAIRMAN PRO
TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1542

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. KING of Iowa. Mr. Chairman, on rollcall No. 357, had I been present, I would have voted "no."

The CHAIRMAN pro tempore. Are there any further amendments?

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PETRI) having assumed the chair, Mr. SIMPSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, pursu-

ant to House Resolution 706, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR.
COSTELLO

Mr. COSTELLO. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. COSTELLO. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Costello moves to recommit the bill H.R. 3598 to the Committee on Science with instructions to report the same back to the House forthwith with the following amendment:

Redesignate section 8 as section 9, and insert after section 7 the following new section:

**SEC. 8. MANUFACTURING AND PROFESSIONAL
EMPLOYMENT STUDY.**

(a) STUDY.—Not later than 60 days after the date of enactment of this Act, the Under Secretary of Commerce for Technology shall enter into a contract with the RAND Corporation, or a similar organization, for a study, as relates to the manufacturing sector including manufacturing research and technology, assessing—

(1) the nature and number of United States manufacturing and professional jobs moving outside the United States;

(2) the nature and number of jobs that have been moved outside the United States to support exports to the United States market;

(3) reemployment prospects for United States workers displaced by United States manufacturing and professional jobs moving outside the United States;

(4) the number of nonimmigrant alien H-1B and L-1 visas that have been issued, and what jobs they are being used for;

(5) the nature and number of jobs created in the United States by foreign investment in the United States;

(6) the nature and number of jobs moved outside the United States that are supported by Federal contractors and subcontractors; and

(7) the effects that the movement of United States manufacturing and professional jobs outside the United States is having on student career choices.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Under Secretary of Commerce for Technology shall transmit to the Congress a report on the results of the study conducted under subsection (a).

(c) POLICY RECOMMENDATIONS.—Not later than 4 months after the transmittal of the

report under subsection (b), the Under Secretary of Commerce for Technology shall transmit to the Congress policy recommendations based on the findings of the study conducted under subsection (a).

Mr. COSTELLO (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. COSTELLO) and a Member opposed each will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Speaker, I yield myself such time I may consume.

Mr. Speaker, my motion to recommit would send this legislation back to the Committee on Science with instructions to immediately report the bill back to the House with a provision requiring the Department of Commerce to complete an independent study on the short and long term effects of the outsourcing of jobs from the United States to other countries.

Mr. Speaker, since the year 2000 the United States has lost 2.7 million manufacturing jobs, of which 500,000 jobs were in high tech industries such as telecommunications and electronics. Since the year 2000, almost 650,000 jobs have disappeared in high tech service industries. In 48 of the 50 States, jobs in high-paying industries have been replaced with lower paying jobs.

A survey taken in March of this year of 216 CFOs found that 27 percent of those CFOs plan to send more jobs offshore this year. The Wall Street Journal, the Washington Post, Business Week and others have recently published articles that point to the fact that we lack sufficient and accurate data and information in order to determine the short- and long-term effects of offshoring. There are some in the Bush administration who have said that offshoring is a good thing and it is good for the U.S. economy.

□ 1545

Others say that it is bad for our country. My motion would require an independent study to provide exactly the information and data that we now lack to lay out a plan to address this critical problem.

I offered this amendment in the Committee on Science at our markup. Unfortunately, it was voted down on a party-line vote. I was told at the time that the majority had a problem with jurisdiction issues, that other committees may, in fact, claim jurisdiction. I went to the Committee on Rules. The Committee on Rules refused to allow a vote on my amendment.

My amendment would simply require an independent study of the outsourcing problem which is a problem for each congressional district in every State in the United States. This

administration and future administrations, this Congress and future Congresses, and the American people deserve the facts about outsourcing so we can prepare to deal with the problems both short and long term.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Tennessee, the ranking member of the Committee on Science.

Mr. GORDON. Mr. Speaker, am I correct in saying that all the gentleman is asking for in his motion is that the administration conduct an independent study to gather data on offshoring of jobs and then to make some policy recommendations to the Congress on how we can jointly address this growing problem?

Mr. COSTELLO. The gentleman is correct.

Mr. GORDON. If the gentleman would continue to yield, is it true that if this motion is adopted, there would be no delay because the House could immediately reconsider the bill?

Mr. COSTELLO. Again, the gentleman is correct.

Mr. GORDON. Mr. Speaker, so a "yes" vote on the gentleman's motion is a vote to consider an independent study of offshoring and a "no" vote against the gentleman's motion is to reject a study by the Commerce Department on offshoring and recommendations for correcting the problem?

Mr. COSTELLO. Mr. Speaker, reclaiming my time, the gentleman is correct.

Mr. BOEHLERT. Mr. Speaker, I rise in opposition to the motion. This motion sounds good on the surface, but it is both misguided and unnecessary.

I have to say I am a little bit surprised to see my colleagues on the other side of the aisle get so excited over a study.

Outsourcing, they say correctly, is a major problem and their solution, a study. They are going to accuse us of foot dragging, not doing enough to keep and create jobs here at home, and as an alternative, they offer a study?

We have a bill before us that takes real, proven, practical and immediate steps to help American manufacturers. Is the other side arguing that the one thing it lacks is a study? That is political nonsense.

It is even worse, really, because if my colleagues across the aisle had done their homework, they would have discovered that the House has already approved a study on outsourcing and even has provided money for it and is part of a bill that will not get held up over other issues. We did not do this so long ago that they might have forgotten. The House approved the bill just yesterday.

The Commerce appropriation bill includes \$2 million for the National Academy of Public Administration, an independent, nongovernment body, to conduct a study. That is important. The entire House is already on record

in not only supporting an independent study of offshoring but actually funding it. So we back up our words with deeds.

Let us not encumber this bill with an unnecessary and duplicative study. Let us pass the bill and take real steps to help American manufacturers.

The SPEAKER pro tempore (Mr. PETRI). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. COSTELLO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by a 5-minute vote, if ordered, on passage of the bill and on the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—ayes 171, noes 193, not voting 69, as follows:

[Roll No. 358]

AYES—171

Abercrombie	Gordon	Moore
Alexander	Grijalva	Moran (VA)
Allen	Gutierrez	Murtha
Andrews	Harman	Nadler
Baca	Herse	Napolitano
Baird	Hill	Neal (MA)
Baldwin	Hinojosa	Oberstar
Berman	Holden	Obey
Berry	Holt	Oliver
Bishop (GA)	Honda	Owens
Boswell	Hooley (OR)	Pallone
Boucher	Hoyer	Pascarella
Brady (PA)	Inslee	Pastor
Brown (OH)	Israel	Peterson (MN)
Brown, Corrine	Jackson (IL)	Pomeroy
Capps	Jackson-Lee	Price (NC)
Capuano	(TX)	Rangel
Cardin	Jefferson	Rodriguez
Cardoza	Kanjorski	Ross
Carson (OK)	Kaptur	Rothman
Chandler	Kennedy (RI)	Roybal-Allard
Clay	Kildee	Ruppersberger
Clyburn	Kind	Rush
Conyers	Kleczka	Ryan (OH)
Cooper	Kucinich	Sabo
Costello	Lampson	Sanchez, Linda
Cramer	Langevin	T.
Crowley	Lantos	Sanchez, Loretta
Cummings	Larsen (WA)	Sanders
Davis (AL)	Larson (CT)	Sandlin
Davis (CA)	Levin	Schakowsky
Davis (FL)	Lewis (GA)	Schiff
Davis (IL)	Lowe	Scott (GA)
Davis (TN)	Lucas (KY)	Scott (VA)
DeFazio	Lynch	Serrano
DeGette	Maloney	Sherman
DeLauro	Markey	Shimkus
Dingell	Marshall	Skelton
Doggett	Matheson	Slaughter
Dooley (CA)	Matsui	Smith (WA)
Doyle	McCarthy (MO)	Snyder
Duncan	McCarthy (NY)	Solis
Edwards	McCollum	Spratt
Emerson	McDermott	Stark
Engel	McIntyre	Stenholm
Eshoo	Meehan	Strickland
Etheridge	Meek (FL)	Stupak
Evans	Menendez	Tanner
Farr	Michaud	Tauscher
Filner	Millender-McDonald	Taylor (MS)
Ford	Miller (NC)	Thompson (CA)
Frank (MA)	Miller, George	Thompson (MS)
Frost	Mollohan	Tierney
Gonzalez		Towns

Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen

Velázquez
Visclosky
Waters
Watson

Watt
Weiner
Woolsey
Wu

NOES—193

Aderholt	Gilchrest	Oxley
Akin	Gingrey	Pearce
Bachus	Goode	Pence
Baker	Goodlatte	Peterson (PA)
Ballenger	Granger	Petri
Barrett (SC)	Graves	Pickering
Bartlett (MD)	Green (WI)	Pombo
Barton (TX)	Hall	Porter
Bass	Harris	Portman
Beauprez	Hart	Pryce (OH)
Bereuter	Hastings (WA)	Putnam
Biggart	Hayes	Radanovich
Bilirakis	Hayworth	Ramstad
Bishop (UT)	Hensarling	Regula
Blackburn	Herger	Rehberg
Blunt	Hobson	Renzi
Boehlert	Hoekstra	Reynolds
Boehner	Hostettler	Rogers (AL)
Bonilla	Hulshof	Rogers (KY)
Bonner	Hunter	Rogers (MI)
Bono	Hyde	Rohrabacher
Boozman	Issa	Ros-Lehtinen
Bradley (NH)	Istook	Royce
Brady (TX)	Jenkins	Ryan (WI)
Brown (SC)	Johnson (IL)	Ryun (KS)
Brown-Waite,	Johnson, Sam	Saxton
Ginny	Jones (NC)	Schrook
Burgess	Keller	Sensenbrenner
Burns	Kelly	Sessions
Burr	Kennedy (MN)	Shadegg
Burton (IN)	King (IA)	Shays
Buyer	King (NY)	Sherwood
Cannon	Kingston	Shuster
Cantor	Kirk	Simmons
Capito	Kline	Simpson
Carter	Knollenberg	Smith (MI)
Castle	Kolbe	Smith (NJ)
Chabot	Latham	Smith (TX)
Chocola	Leach	Souder
Cole	Lewis (CA)	Stearns
Cox	Lewis (KY)	Sullivan
Crane	LoBiondo	Sweeney
Crenshaw	Lucas (OK)	Taylor (NC)
Cubin	Manzullo	Terry
Cunningham	McCotter	Thomas
Davis, Jo Ann	McCrery	Thornberry
DeLay	McHugh	Tiahrt
Diaz-Balart, L.	McInnis	Tiberi
Diaz-Balart, M.	McKeon	Toomey
Doolittle	Miller (FL)	Turner (OH)
Dreier	Miller (MI)	Upton
Dunn	Miller, Gary	Vitter
Ehlers	Moran (KS)	Walden (OR)
English	Murphy	Walsh
Feeney	Musgrave	Weldon (FL)
Ferguson	Myrick	Weldon (PA)
Flake	Nethercutt	Weller
Foley	Neugebauer	Whitfield
Forbes	Ney	Wicker
Fossella	Northup	Wilson (NM)
Franks (AZ)	Nunes	Wilson (SC)
Frelinghuysen	Nussle	Wolf
Gallely	Osborne	Young (AK)
Garrett (NJ)	Ose	Young (FL)
Gibbons	Otter	

NOT VOTING—69

Ackerman	Gephardt	Lofgren
Becerra	Gerlach	Majette
Bell	Gillmor	McGovern
Berkley	Goss	McNulty
Bishop (NY)	Green (TX)	Meeks (NY)
Blumenauer	Greenwood	Mica
Boyd	Gutknecht	Norwood
Calvert	Hastings (FL)	Ortiz
Camp	Hefley	Paul
Carson (IN)	Hinchey	Payne
Case	Hoeffel	Pelosi
Coble	Houghton	Pitts
Collins	Isakson	Platts
Culberson	John	Quinn
Davis, Tom	Johnson (CT)	Rahall
Deal (GA)	Johnson, E. B.	Reyes
Delahunt	Jones (OH)	Shaw
DeMint	Kilpatrick	Tancred
Deutsch	LaHood	Tauzin
Dicks	LaTourette	Wamp
Emanuel	Lee	Waxman
Everett	Linder	Wexler
Fattah	Lipinski	Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI) (during the vote). There are 2 minutes remaining in this vote.

□ 1608

Mrs. EMERSON and Mr. DUNCAN changed their vote from "no" to "aye." So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I missed rollcall No. 358, because of an interview on a network. If I had been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. MCGOVERN. Mr. Speaker, I was unavoidably detained on rollcall vote Nos. 355–358. If I were present, I would have voted: "Yes" on rollcall vote No. 355 (the Gordon Amendment); "yes" on rollcall vote No. 356 (the Jackson-Lee Amendment); "yes" on rollcall vote No. 357 (the Larson Amendment); "yes" on rollcall vote No. 358 (the Motion to Recommit).

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, personal reasons will prevent me from being present for legislative business scheduled after 2 p.m. today, Friday, July 9, 2004. Had I been present, I would have voted "aye" on the amendment offered by Mr. GORDON (rollcall No. 355); "yes" on the amendment offered by Ms. JACKSON-LEE (rollcall No. 356); "aye" on the amendment offered by Mr. LARSON (rollcall No. 357); "aye" on the motion to recommit the bill H.R. 3598 (rollcall No. 358).

PERSONAL EXPLANATION

Mr. EMANUEL. Mr. Speaker, due to a family commitment, I was not present in the Chamber on Friday, July 9, to cast my votes on rollcalls 355 through 358. Had I been present, I would have voted "yes" on each measure.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 3889

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3889.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I take this time, as much as may be required, to inquire of the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, of the schedule for next week.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding to me, and as we have just observed, we have completed our business for the day and for the week.

The House will convene on Monday at 12:30 for morning hour and 2 p.m. for legislative business. We plan to consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this day. Any votes called for on those measures will be rolled until 6:30 p.m.

Members should be aware we also plan to consider the rule for the fiscal year 2005 agriculture appropriation bill, as well as H.R. 4755, the fiscal 2005 Legislative Branch appropriation bill on Monday.

On Tuesday, and the balance of the week, we expect to consider additional legislation under suspension of the rules. We plan to complete consideration of the agriculture appropriation bill, as well as consider additional bills under a rule:

S. 15, the Project Bioshield Act; H.R. 4759, the U.S.-Australia Free Trade Agreement; and the fiscal year 2005 foreign operations appropriation bill.

Finally, and I know this will be pleasant news to all of our colleagues after a long Friday, we would like Members to know that a week from today, on Friday, July 16, we do not expect any votes on the floor.

And I would be happy to accept any questions that my friend from Maryland, the distinguished minority whip, might like to proffer.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman for the information and appreciate his being open to additional questions.

To clarify the schedule for the appropriation bills the gentleman has listed for next week, does the gentleman anticipate on Monday that we will complete the Legislative Branch bill?

Mr. DREIER. Mr. Speaker, if the gentleman will yield further, yes, the Legislative Branch appropriation bill, we hope. Then, as I say, we will be bringing up the rule on the agriculture appropriation bill. And I doubt that that will be completed at that time. It will go over.

Mr. HOYER. So on Tuesday the gentleman expects we will complete the Ag bill?

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, yes, the agriculture appropriation bill will be our work primarily on Tuesday.

Mr. HOYER. Mr. Speaker, does the gentleman have a feel for when we will consider the Foreign Ops appropriation bill?

Mr. DREIER. Probably on Thursday of next week we would most likely consider the Foreign Ops bill.

Mr. HOYER. Will we consider the BioShield bill on that day as well?

Mr. DREIER. No, our plan is to, on Wednesday, deal with both the BioShield Act as well as the U.S.-Australia Free Trade Agreement.

Mr. HOYER. Mr. Speaker, I thank the gentleman. Now, on the Australia Free Trade Agreement, or any other trade bill, what day does the gentleman anticipate we will be considering the Australia Free Trade bill?

Mr. DREIER. Mr. Speaker, as I said, along with the BioShield Act on Wednesday we also anticipate considering the U.S.-Australia Free Trade Agreement.

Mr. HOYER. All right. I thank the gentleman. On the appropriation bills that we will consider, will they be considered under the usual rule? I understand perhaps the legislative rule may be a restrictive rule.

And I yield to the gentleman, Mr. Speaker.

Mr. DREIER. Yes, if the gentleman will continue to yield, Mr. Speaker, as the gentleman knows, we have already addressed the issue of the rule for the legislative branch appropriation bill, and that is in fact a structured rule. It is our intention on the other measures that are before us to consider them under the standard open amendment process, just as we have this week on the appropriation issues that we have addressed.

Mr. HOYER. I thank my friend for the information.

Mr. DREIER. I thank my friend for yielding.

Mr. HOYER. In closing, Mr. Speaker, and I do not want to get deeply into this, but can we anticipate votes on any of these? And if we can anticipate votes on them, will they be in the approximate range of 15 to 20 to 25 minutes? Or does the gentleman have any idea what our plan is?

Mr. DREIER. If the gentleman will continue to yield, I would simply say that it is our intention, as is always the case, to have the majority comply with rule XX, clause 2(a), which states that all votes should be held within a minimum of 15 minutes. And then, if my friend would further yield, I would say it is also quite possible that some Members, either still coming to the chamber or who are in the Chamber, who might either have not voted if they are coming to the Chamber or if they are here, may want to consider changing their votes.

As has often been the case, as I said in my closing remarks on the rule today, when I served in the minority, during those wonderful 14 years that my friend was in the majority before 1994, and also since we have been in the majority, we have clearly done that.

So I thank my friend for yielding, and it is our intention to simply comply with clause 2(a), rule XX, when it comes to dealing with votes.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that explanation, I suppose is the kindest adjective to apply. I appreciate the gentleman's observation. I will say that the gentleman treats gingerly the changing of opinions. That is, obviously, as the gentleman noted in his closing argument, the subject of debate and also subject to discussion that goes on on this floor, which is clearly appropriate.

But I will tell the gentleman that his party believed that the keeping of the votes open for an extended period of time, i.e. in excess of 20 minutes, was corrupt, and the Vice President said it was corrupt. The Vice President said it undermines civility. The Vice President, when he then had my job, minority whip, said that it was undemocratic.

The gentleman has indicated that we did, in fact, from time to time, keep the vote open for longer than 20 minutes. The gentleman is absolutely accurate. But we did not claim it was undemocratic, undermining civility or corrupt. It was the gentleman's side that claimed that.

Mr. DREIER. If the gentleman would yield.

Mr. HOYER. In just one second.

Mr. Speaker, I suppose, then, the question becomes, in the context of situational ethics, has something changed that has brought about this recognition of it as a lack of corruption, lack of undermining the democratic process, and a lack of undermining civility? And I yield to my friend.

Mr. DREIER. Well, Mr. Speaker, I thank my friend for yielding, and I think he raises a very good point.

I have said on a number of occasions that the year I was born was the last time that my party was elected to serve in the majority here in the House of Representatives, until we won our majority in 1994. In fact, the gentleman referenced the now Vice President of the United States, the former minority whip, Mr. CHENEY. And Mr. CHENEY never served as a member of the majority here in the House of Representatives.

I have admitted that there are a number of things that we have learned, with not a single Member having served in the majority once we emerged to that status following the election of 1994. So it is true we understand that leadership does entail making tough decisions, and, occasionally, as I said in my closing remarks on the rule earlier today, involve extending an invitation to Members to deliberate and, in fact, on occasion, change their mind. That is part of the democratic process.

□ 1615

So I will admit that the process which we observed on numerous occasions when the gentleman's party was in the majority is something which did provide an opportunity for us to learn from.

One thing I will say, when we look at the issue of slowing up a process or cre-

ating challenges, I think about the other body which as we all know has this very unique ability to allow one Member to hold up an entire process and delay the opportunity to move forward on a number of issues, including confirmations. So I think we, having a 38-minute vote here, it is not unprecedented. I will say we did in fact see the democratic process work.

Mr. HOYER. Mr. Speaker, reclaiming my time, was the Vice President, acting as the minority whip, wrong when he said this was a corrupt practice?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, what I will say is there was no one in the minority at that time who had the experience that many of my colleagues on the other side of the aisle have had up to that point in 1994 when we won the majority.

Mr. HOYER. Mr. Speaker, I heard the assertion of the lack of experience in the majority, but my question was: Was the Vice President wrong?

Mr. DREIER. Mr. Speaker, I am not going to characterize rightness or wrongness. What I am saying is when we on this side of the aisle have extended the invitation to Members to consider changing a vote, we saw that done many times on the other side of the aisle. I can only speak for myself, but I am a Member who has learned that process is a very important part of the legislative process itself, and the process of democratic governance.

Mr. HOYER. Mr. Speaker, I want to say very seriously I have served along with the gentleman from California (Mr. DREIER) for over 2 decades in this institution. I care a great deal about this institution, and the attacks made on this institution for the 14 years that I was in the majority and the assertions that were made and the characterization which I did not fully express on the floor that the minority whip made of Mr. Wright, the Speaker of the House of Representatives, and the names or the epithets that were used against him, there has never been an apology for that, notwithstanding this new information and new perspective that the Republican Party has gained now that they are in the majority and perhaps see the necessity to take actions that at some point in time they thought were corrupt, undemocratic, and undermining of civility.

We are not going to resolve this, but I will state that the gentleman and I have had discussions about comments the gentleman made about open rules, about amendments, about motions to recommit, about time for debate, about time for consideration prior to the Committee on Rules meeting and reporting out bills, and that perspective, as has been noted in our discussions in the Committee on Rules, has somewhat changed.

Mr. DREIER. Mr. Speaker, if the gentleman would continue to yield, I am

happy that in that litany of issues raised, the gentleman raised the issue of motions to recommit.

As the gentleman knows very well, when we were in the minority, we were often denied motions to recommit. Yet when we won the majority in 1994, because of the expertise that so many of us had had serving in the minority for so many years, we made a determination at that time that we would change the rules to in fact provide the minority with at least one bite at the apple, meaning an opportunity to vote on that motion to recommit; and in most instances, not every, I will acknowledge, but in most instances, two opportunities for the minority to have a chance to modify and change a piece of legislation by providing a substitute at the end of a bill itself.

I will acknowledge when it came to the issue of the amendment process itself, we are here Friday afternoon having gone through a long and drawn out appropriations process, which we are in the midst of right now, most of these bills are being considered under an open amendment process. We have a very narrow majority in the House. When the gentleman's party was in the majority, they had a 70-vote margin. We have a responsibility to move our agenda, so we have often done it under a structured amendment process. But at the end of the day, we still have provided something that did not exist when we were in the minority, that being the right to offer a recommittal motion.

Mr. HOYER. Mr. Speaker, reclaiming my time, prolonging this will not be very educational for Members or others who might be interested, but I will observe that oftentimes the offering of a motion to recommit without the provision for the waivers that are given to the majority in terms of the germaneness of those motions to recommit with instructions essentially precludes the minority party from offering the alternative which they believe is the best alternative.

Mr. DREIER. Mr. Speaker, if the gentleman would yield on that point, I would just remind the gentleman when we were debating an issue which is very important to this institution, that is the continuity of Congress, we had a recommittal motion offered by the gentleman from North Carolina. And as the gentleman knows, that was accepted on this side as we were moving ahead with that very important quest to try to bring about a bipartisan solution to the challenge of dealing with a potential catastrophe to this institution.

Mr. HOYER. Mr. Speaker, I would ask the gentleman, is that the same bill on which the committee refused to have a hearing on that very critically important issue, the alternative offered by the gentleman from Washington (Mr. BAIRD)?

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, the last Congress did hold a hearing on that

legislation, and when the request was made to deal with the proposals of the constitutional amendment, they were not even offered by Members of the Committee on the Judiciary when they did proceed with the markup in that committee.

Mr. HOYER. My question was for this year. There was no hearing, am I correct?

Mr. DREIER. The gentleman is correct, although I recall testifying on this issue before the Committee on House Administration this year as we dealt with this issue.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his observations.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT TO MONDAY, JULY 12, 2004

Mr. DREIER. Mr. Speaker, I ask unanimous consent when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

REPUBLICANS WIN COVETED ROLL CALL TROPHY

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I am pleased to announce the results of the 43rd Annual Roll Call Baseball Game for Charity between the Democrats and Republicans. While the gentleman from Maryland (Mr. HOYER) is still on the floor, I want to thank him for his warm hospitality in his district at the Prince George's County Stadium and his graciousness, despite losing. And I particularly want to thank all of the players and the gentleman from Minnesota (Mr. SABO), the Democrat manager, for being such great sportsmen. We are pleased for one more year to possess this coveted Roll Call trophy, which is all one word, coveted Roll Call trophy. I am glad to have it here on the floor, and I will have it protected in my office for the next year. The score was 14-7.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Maryland.

Mr. HOYER. The gentleman from Minnesota (Mr. SABO), the manager of the Democratic team, is not on the floor, but I know he would want me to congratulate you. As painful as defeat is, we graciously acknowledge that the second inning was devastating in which you scored 9, 10, 11 runs. It is going up, 10 runs, I guess. And it would be not as gracious to observe that other than that second inning, the game was pretty good. But I congratulate the gentleman on behalf of the somewhat gracious losers.

Mr. OXLEY. Mr. Speaker, I thank the gentleman. The final score was 14-7. I thank the sponsors of this event. There were over 5,000 people, the largest crowd at the event ever, and it will produce over \$100,000 for the Adult Literacy Council and Boys and Girls Clubs of the Washington area. They are always very worthy recipients.

Thanks to the gentleman from Minnesota (Mr. SABO), half of the budget of the Adult Literacy Council will be provided from the proceeds of this game. We are very pleased about that. I notice the gentleman from New Jersey (Mr. SAXTON), one of the announcers for the game, he and former member Martin Russo. We thank them for their fine work. And finally, I want to thank Hall of Famer Lou Brock, who was brought here by the auspices of the Baseball Hall of Fame, as well as Major League Baseball. He was very gracious, threw out the first ball, threw a strike, signed autographs for the kids, and had pictures taken. To Lou Brock and his wife, thank you for making the 43rd annual baseball game one to remember.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE EN- GROSSMENT OF H.R. 2828, WATER SUPPLY, RELIABILITY, AND EN- VIRONMENTAL IMPROVEMENT ACT

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2828, the Clerk be authorized to make technical and conforming changes as may be necessary to reflect the action of the House just taken.

The SPEAKER pro tempore (Mr. GINGREY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

WE NEED A DIFFERENT ECONOMIC POLICY

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, Vice President CHENEY was in Cleveland this week trying to explain the President's economic policy to a State which has lost one-sixth of its manu-

facturing jobs since President Bush and Vice President CHENEY took office, a State that has lost almost 200,000 jobs overall, a State that has lost 195 jobs every single day of the Bush administration.

His answer to Ohio's economic problems is more tax cuts for the wealthiest people in the State hoping those tax cuts will trickle-down and create jobs. That clearly has not worked. And his other answer is more trade agreements like NAFTA and other trade agreements which have hemorrhaged jobs and shipped jobs overseas.

Clearly we need a new direction. The Bush economic policies are not working in the industrial Midwest. They are not working in small-town Ohio; they are not working in the big cities. We need a different economic policy. The Bush program simply is not working.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1630

CONGRATULATING ALCEE HASTINGS

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise with a great deal of pride to announce to the Members of the House the election of our colleague, the gentleman from Florida (Mr. HASTINGS), as president of the Organization on Security and Cooperation in Europe's Parliamentary Assembly.

That assembly, Mr. Speaker, is an assembly of 55 signatory states to the Helsinki Final Act. Those 55 nations were represented by over 300 parliamentarians at their annual meeting in Edinburgh, Scotland, this past week.

Earlier today, Edinburgh time, the gentleman from Florida (Mr. HASTINGS) received on the first ballot over 55 percent of the votes. This is a historic occasion. He is the first American ever elected president of the OSCE Parliamentary Assembly. Not only that, he is the first minority to be elected president of the Organization on Security and Cooperation in Europe and, based upon the information I have, I believe the first and only African American to ever be elected president of one of the interparliamentary assemblies, combining Europe and the United States.

The gentleman from Florida (Mr. HASTINGS), a distinguished member of our body, has served on the Commission on Security and Cooperation in Europe since 2001 and has been vice president of the OSCE for the past 2 years. He also has gained important experience in international affairs as a

member of the Permanent Select Committee on Intelligence. The gentleman from Florida (Mr. HASTINGS) is now serving his seventh term in the Congress of the United States.

I want to thank the gentleman from Illinois (Speaker HASTERT) and the bipartisan delegation. The gentleman from Florida (Mr. HASTINGS) serves in this body and is a Democrat; but he ran as an American, and he was supported by the American delegation, Republicans and Democrats. And I want to thank the gentleman from New Jersey (Mr. SMITH) for his leadership of our delegation, the chairman of the Organization of Security and Cooperation in Europe Commission here in the Congress.

The gentleman from Illinois (Speaker HASTERT), in his letter supporting the gentleman from Florida (Mr. HASTINGS), said, "Never one to retreat from a challenge, Alcee Hastings possesses an instinctive ability to identify solutions and build common ground for their implementation."

It was that ability, that quality, that determination that the gentleman from Florida (Mr. HASTINGS) had which led to his overwhelming election. Gert Weisskirchen, in Germantown, who withdrew in favor of the gentleman from Florida (Mr. HASTINGS) this week, said to the Palm Beach Post that the gentleman from Florida (Mr. HASTINGS) represents the best of the United States. Now, Mr. Weisskirchen and the gentleman from Florida (Mr. HASTINGS) have served together for almost a decade in the organization's parliamentary assembly, so his observations are well founded and based upon his experience.

The gentleman from Florida (Mr. HASTINGS) will bring credit to our country, credit to our Congress, and credit to the Parliamentary Assembly. I will tell my colleagues that the United States has the privilege next year in July on our July 4 break of hosting the 55 nations that make up the Parliamentary Assembly. I know that all of us look forward to welcoming our colleagues from throughout Europe and Canada, the signatory states, with the gentleman from Florida (Mr. HASTINGS) as the president of that organization to our Capitol city and showing them American hospitality, while at the same time cementing a relationship with our allies and raising very significant and important issues to international security, peace, and economic well-being.

Mr. Speaker, I thank you for this time to honor our colleague, the gentleman from Florida (Mr. HASTINGS), on this historic election as president of the Parliamentary Assembly of the OSCE.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. PENCE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. PAUL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

OUTRAGEOUS RULING BY THE INTERNATIONAL COURT OF JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, this is a dark day in the history of international law. Today, the International Court of Justice, at the request of the United Nations General Assembly, ruled, "The construction of the wall being built by Israel, the occupying power in the occupied Palestinian territory, including in and around east Jerusalem and its associated regime, is contrary to international law."

With this extraordinarily biased decision, the International Court of Justice has become an international disgrace. This outrageous ruling confirms what many of us have feared, that opponents of Israel have overtaken the judicial process at the U.N.'s highest judicial court and have begun to use it for political aims on the world stage.

Mr. Speaker, the referral of this issue itself was biased and prejudged Israel. The referral actually used contestable political language such as "occupied Palestinian territory" and referred to the Israeli security fence repeatedly as a wall. It is as if the court simply did a cut and paste of those terms and issued them in their ruling today, completely failing in their multipage ruling to talk about context, namely years of brutal terrorism at the hands of Palestinian extremists against Israeli civilians.

Mr. Speaker, it is crucial today that we make a pair of points that the International Court of Justice completely ignored. Number one, Israel's security fence prevents terrorism; and, number two, the ICJ had no authority to hear this case.

These two points, Mr. Speaker, are actually reflected in a resolution that I authored along with the gentlewoman from Nevada (Ms. BERKLEY) that has garnered nearly 163 co-sponsors, Republicans and Democrats alike. The Pence-Berkley resolution resolves, in effect, that Congress supports the construction by Israel of a security fence to prevent Palestinian terrorist attacks; and, number two, that Congress condemns the decision by the UN General Assembly to request the Court of Justice to act.

Mr. Speaker, I rise humbly today to say Congress would do well in the coming days to act with all expeditious speed on this legislation, on this reso-

lution, and make a statement that America stands with Israel.

I authored this resolution after my wife, Karen, and I toured Israel in January of this year. Seen in this photograph, we are standing with Israeli defense forces along the side of a chain-linked fence, which the International Court of Justice today repeatedly described as a wall. A chain-linked fence that nevertheless has proven to be an effective tool in thwarting terrorist attacks.

In the north of Israel, where a section of the fence has been completed, there has not been a single suicide attack in more than 8 months. Before the first stage of the fence became operational in July of 2003, the average number of attacks was 8.6 per month. In the past 11 months, that figure has dropped dramatically to only 3.2 attacks per month.

In the 2 hours that we toured the security fence this day in January in Israel, the security officials traveling with us received in my presence three separate calls on their radios about attempted terrorist incursions. In 2 hours, three separate terrorist incursions. These incursions, while they do not succeed but on an intermittent basis, the reality is that the attempts are a daily reality for Israelis. The truth is the Israeli Security Fence has prevented terrorism, and that was a fact completely lost on the International Court of Justice.

Also lost is that under international norms, the Israeli Supreme Court, just like if it was the United States Supreme Court and not the court in the Hague, has sole jurisdiction over this matter. In fact, the Israeli Supreme Court is an independent judiciary of a sovereign and democratic nation. Its rulings on the Israeli Security Fence has struck a fair balance between the rights of Israelis to live free from suicide bombings and the right of Palestinians to their economic well-being, and there is no legal basis for the court in the Hague to usurp its authority.

So I rise today, Mr. Speaker, to urge this Congress to act on House Concurrent Resolution 371 that the gentlewoman from Nevada (Ms. BERKLEY) and I introduced and enjoys 163 cosponsors and to act deliberately. Or if not on our resolution, that in the next several days to rise with one voice, Democrats and Republicans alike, to condemn this unjust decision by the International Court of Justice.

I also challenge my colleagues, as we think about funding issues and resources that will be spent in the direction of the United Nations, that we seriously reconsider any effort to direct U.S. taxpayer dollars to this international court, if I may say, of injustice.

Like so many million Americans I pray for the peace of Jerusalem and I stand with Israel, believing as those same millions do that He will bless those who bless her, He will curse those who curse her.

Let the voice of the American people be heard. Let us condemn this unjust and disgraceful decision by the International Court of Justice.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentlewoman from California (Ms. WOOLSEY).

The SPEAKER pro tempore (Mr. GINGREY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE REPUBLICAN MAJORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, it has been a bad week in Washington. Adding to their laundry list of legislative arm twisting, House Republicans yesterday once again bent democracy to fit their needs by holding a traditional 15-minute vote open for 38 minutes until they were able to change the outcome of the vote to their favor.

It was not an isolated incident of arrogant disregard for the political process by Republican leadership in this Congress. It was an example yesterday of the "modern-day" Republican and their win-at-all-cost style of governance. Never before when the Democrats were in control or when Newt Gingrich was Speaker of the House, never before has this House of Representatives operated in such secrecy.

At 2:54 a.m. on a Friday in March, 2003, the House cut veterans' benefits by three votes. At 2:39 a.m. on a Friday in April, the House slashed education and health care by five votes. At 1:56 a.m. on a Friday in May, the House passed the tax cut bill, weighted especially towards millionaires, by a handful of votes. At 2:33 a.m. on a Friday in June, the House passed the Medicare privatization bill by one vote. At 12:57 a.m. on a Friday in June, the House eviscerated Head Start by one vote. And then, after returning from summer recess, at 12:12 a.m. on a Friday in October, the House voted \$87 billion for Iraq. Always in the middle of the night, always after the press had passed their deadlines, always after the American people had turned off the news and gone to bed.

What did the public see? At best, Americans read a small story with a brief explanation of the bill and the vote count in the Saturday newspaper. And people here, the Republican lead-

ership, knows that Saturday is the least read newspaper of the week.

What did the public miss? They did not see the House votes, which normally take 15, 17, sometimes 20 minutes, they did not see them dragging on for as long as one hour as members of the Republican leadership trolled for enough votes to cobble together a Republican victory. They did not see GOP leaders stalking the floor for whoever was not in line. They did not see the gentleman from Illinois (Speaker HASTERT); they did not see the gentleman from Texas (Mr. DELAY), majority leader; they did not see the gentleman from Missouri (Mr. BLUNT), majority whip coerce enough Republican Members, arm-twisting them, berating them sometimes, threatening them sometimes, offering them things sometimes. They did not see them switching their votes to produce the desired results. In other words, they did not see the subversion of democracy.

Then in November they did it again. The most sweeping changes in Medicare in its 38-year history were forced through the House at 5:55 on a Saturday morning. The debate started at midnight. The roll call began at 3 o'clock late Friday night/early Saturday morning. Most of us voted with this plastic card that we were given within the 20 minutes allotted. Normally the Speaker would have gavelled the vote. The vote would be completed. But not this time because the bill was losing.

By 4 a.m., the bill had been defeated, 216 to 218. Still the Speaker refused to gavel the vote closed. Then the assault began. The gentleman from Illinois (Speaker HASTERT); the gentleman from Texas (Mr. DELAY); the gentleman from Missouri (Mr. BLUNT); the gentleman from California (Mr. THOMAS), the Committee on Ways and Means chairman; and the gentleman from Louisiana (Mr. TAUZIN), the Committee on Energy and Commerce chairman, all searched the House floor for Republican Members to bully.

I watched them surround the gentleman from Cincinnati, Ohio (Mr. CHABOT), trying first a carrot, then a stick. He believes what he does. He remained defiant. He showed his integrity. Next they aimed at the gentleman from Michigan (Mr. SMITH), retiring congressman, and these are his words as I tell this story, whose son is running to succeed him. They promised support if he changed his vote to "yes." They promised \$100,000 for his son's campaign. They said if he refused, they threatened his son's future.

□ 1645

He stood his ground, again showing integrity and courage.

Many of the two dozen Republicans who voted against the bill had fled the floor. One Republican headed into the Democratic cloakroom. I saw her there about 5:30.

By 4:30, the browbeating had moved into the Republican cloakroom, out of

sight of the C-SPAN cameras and out of sight of the insomniac public. Republican leaders woke President Bush, a White House aide passed a cell phone from one recalcitrant Republican Member to another.

At 5:55, two hours and 55 minutes after the roll call had begun, twice as long, twice as long, as any roll call had ever taken in this House of Representatives, two western Republicans emerged from the cloakroom. They walked down this aisle, ashen and cowed, to the front of the Chamber. They picked up cards on this table, they picked up a green card, they surrendered their card to the Clerk, the Speaker gavelled the vote closed, and Medicare privatization passed.

You can do a lot in the middle of the night, under the cover of darkness.

That is what the Republicans did again this week. You wonder how they are going to violate democracy in the weeks ahead as we preach democracy in Iraq and around the world.

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Ohio (Mr. OXLEY) is recognized for 5 minutes.

(Mr. OXLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ECONOMIC POLICIES OF CURRENT ADMINISTRATION WORKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SAXTON) is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, each month the Joint Economic Committee has the opportunity to receive job growth data from the Labor Department's Bureau of Labor Statistics. This month, the JEC was pleased to receive good news; fortunately, good news of two kinds: First, many good paying jobs are being created in large numbers in the U.S. economy; and, second, job growth continues at a rapid rate.

The June payroll employment increases pushed the total employment gains since August to 1.5 million jobs. According to the new data released a week ago by the Bureau of Labor Statistics, job growth continues today as the payroll employment increased by 112,000 jobs in June.

During the past few days, however, some have contended that most of the recent employment gains are in low wage jobs. Quite the contrary is true. Occupations that are relatively well paid accounted for over 70 percent of the net increases in employment between June of 2003 and June of 2004.

Although this does not mean that all of the jobs that were created in these categories were high-paying, most of them were. The jobs in these occupational categories are generally highly paid. It does indicate that most of the recent employment gains have not

been disproportionately in low-wage occupations, as some in this House have claimed.

Specifically, according to the statistics from the Bureau of Labor Statistics Household Survey, between June 2003 and June 2004, 71.4 percent of the net increase in employment was in three relatively well-paid occupational categories: Management, professional and related occupations, that category comprised 23.1 percent of the job gains; construction and extraction occupations, that is, mining occupations, accounted for 36.1 percent; and installation, maintenance and repair occupations accounted for 12.2 percent.

The earnings in these occupational categories are higher than the median and much higher than the earnings of the typical low-income worker. Most of the workers in well-paid occupations have earnings in the middle range or higher.

These employment figures indicate that most of the new jobs are not at low wage levels, but at higher levels of earnings. We have been hearing assertions about "hamburger flippers," jobs dominating employment for about 20 years now. Those stories have not come true. It just is not happening. We are not about to become a Nation of hamburger flippers.

The data shows that most of the recent employment gains have been in relatively well paid occupations. This is good news for the American worker and is good news for the American family. It means that the low-paying job problem that accompanied the economic downturn which began in the last half of 2000, during the Clinton administration, has been rectified.

It further means that the economic policies of the current administration are working to bring pocketbook issues into a positive state.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

KNOWLEDGE IS POWER IN AMERICAN POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, knowledge is power. That is the hope for America right now. That is the hope, that the American people will see what is happening in the people's House at the direction of the White House.

Democracy was subverted in a brazen manner here, and it is because of the administration that has a policy that States' ignorance is a virtue.

The President of the United States proudly says, "I don't read newspapers.

I don't read books, except for children's books when there is a photo-op possibility. I only take information that is pre-chewed by my staff and brought in to me and given to me." We will talk more about that later.

But the fact is the reason they want the PATRIOT Act is because as a part of this "ignorance is a virtue" policy, we have got to keep the American people ignorant. How can you do that? Keep them out of the libraries. We do not want them going into the libraries and reading books and finding out things that the President does not even know. What will happen if the people know more than the President?

So, the PATRIOT Act says, give the CIA and the FBI the ability to come into the library and see what you, the American people, are reading. What is going on here?

Now, this body came out here and took that power away. But it was suppressed. Democracy was suppressed in this body. After we restored the basic freedoms and civil liberties guaranteed by the Constitution and the Bill of Rights, we took away the people's right to read whatever they want without having the government snooping over their shoulder.

Democracy was censored after the American people's representatives had spoken loudly and clearly through their elected representatives, Democrats and Republicans. This was not just Democrats. The people told us to restore some of the basic freedoms and the civil liberties subverted by the PATRIOT Act. We did it out here on this floor.

But King George III did not want that. He wanted a different outcome. Democracy was subverted in a brazen display of raw political arrogance ordered by the administration and executed by the Republicans. America has never been so divided.

The Republican America is a place where the polls stay open until the Republicans win. Now, you have all voted in an election. You go to the polls and they close at 8 o'clock. You cannot come at 8:10 and say, "Hey, I want to vote." They are closed. It is over. You only can vote until then.

The Republican America is a place where the voice of the people is drowned out by the iron will of this administration. They did it right here on the floor. The Republican America is a place where fear is useful and greed is very, very good.

The Republican America is a place where democracy is endangered by an administration unwilling to accept the will of the American people.

Mr. Speaker, knowledge is power. The administration preordained the war in Iraq. They decided they were going to war. They manufactured reasons and they remanufactured responses as knowledge of the President's war choices began to reach the American people and turned out to be false.

The Senate Intelligence Committee has just put out a report which is just

the tip of the iceberg. They say the CIA gave bad information to the President. Remember, the President does not read anything himself. He does not read the newspapers, he does not read books. He lets people he trusts come in and tell him what has happened.

So, the CIA is at fault for why we are in Iraq. There is no other answer. Our President could not be at fault, because he took the word of people he trusted.

Now, the CIA is not without fault, but they are not solely to blame. What about the trips that Vice President CHENEY made out to Langley to the CIA headquarters, and twisted arms and said, "Can't you find some reason here why we can go into Iraq?" He did it five times, so that when the information came from the CIA to the President, who did not know anything else, he took what Mr. CHENEY squeezed out of the CIA. The process behind the intelligence was tainted. What did the administration know? What did they ignore, mischaracterize or discount, because it did not fit their agenda?

The checks and balances of this government were broken down by an administration that had a blank check from the Congress: "Go out and do anything you want on the war on terror." So they had the blank check in their pocket.

Then they had to have a clear intent for why they should invade Iraq, so they had to go to the CIA: "Give us a reason. Come on, give us a reason. There has got to be a reason. Come on."

The CIA is not without fault, but they are far from alone in leading us to war in Iraq. The administration will happily make them a scapegoat. Put it all on them and send them out in the wilderness. Blame George Tenet, blame all the analysts, public servants, all the public officials. Nothing at the White House. "We are blameless," they say.

I ask every American to compare what the administration will do in the next few days. On this weekend they are going to spin that idea all weekend. "We are blameless. We are blameless. The CIA is to blame."

Just compare that with what John Kennedy did after the Bay of Pigs. President Kennedy accepted responsibility. He had the CIA telling him things. He listened to them and he allowed it to happen, and he said "The buck stops at my desk. I made the decision. I was wrong."

Now, does anybody in this country believe that the President will admit that any mistakes have occurred in Iraq because of his decision making? Will this administration tell the American people that they should be held accountable for a needless war in Iraq?

Can you imagine the President coming on television and saying, "Well, we made some mistakes and I shouldn't have taken us into Iraq. The 1,000 people who have died were for naught."

John Kennedy accepted the blame. Will this President do that? The buck

stops at the White House with this bunch for only 116 more days.

WE MUST PROTECT OUR BORDER COMMUNITIES FROM DIRTY AIR AND UNFAIR SANCTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, we all know that pollution knows no boundaries. As much as we wish they could, the Border Patrol is not able to stop air pollution from coming over our international borders.

Right now, communities on our international border are being bombarded with pollutants from our neighboring countries. It is making air quality along the border even worse and leaves those communities with no recourse.

I introduced a bill, H.R. 4774, to provide Federal assistance to combat air pollution at the border, to ensure that our communities are not unfairly penalized.

Imperial County in my Southern California district, which takes up much of the U.S. Mexico border in the State, is severely impacted by air pollution because it sits in the middle of an air basin that straddles the international border with Mexico.

Mexico simply does not have the same strict air quality standards as does the United States. Imperial County has not met national and State air quality standards as a result, so any air pollution created in the international air basin has serious consequences for the health of my community's citizens.

I have deep concerns about a recent Federal Court ruling regarding the air quality of Imperial County and the subsequent actions on the part of the Environmental Protection Agency.

Imperial County has demonstrated to EPA that the county would have only moderate pollution were it not for serious air pollution from Mexicali, Mexico. EPA agreed. However, outside groups took EPA to court and they ruled in turn that Imperial County's air pollution should indeed be classified as serious.

This is a devastating ruling for Imperial County. Unemployment averages 20 to 30 percent. The ability to attract new employment opportunities will be greatly hindered. Economic development will be halted. Agricultural activities will not be able to begin.

□ 1700

The chaos and expense to Imperial County will not address the real cause of nonattainment: cross-border pollutants.

Imperial County has an asthma rate that is off the charts, the worst in the State, probably the worst in the Nation. Asthma-related hospitalization rates are five to six times greater than the overall rate in California. This sta-

tistic is a statistic that I and many others in our community are fighting to change, but we cannot change it if we are not pushed to work with our neighbor to the south.

For that reason, I introduced the bill H.R. 4774, the FAIR Air Act, fair meaning the Foreign Air Impact Regulation, which will compel the United States at the Federal level to work more closely with our neighbors in trying to reduce air pollution. This bill says that if pollution from another country causes nonattainment of pollution regulations, EPA and the Secretary of State should work together to lower it; do not put it on the backs of the farmers and the working people in Imperial County.

My bill would direct the Secretary of State to negotiate with his or her counterparts in the foreign country to develop a plan to improve air quality. It requires EPA to deliver a report to Congress that lays out the agreed-upon binational steps with binational funding to back it up, those steps to improve the air quality in the region; and directs the EPA to take action to help the region implement the plan; and, finally, delays EPA's authority to move border air quality regions to a higher pollution nonattainment status until the previous items have been completed.

We simply cannot put this international problem on the backs of those who simply happen to live along the border. There truly needs to be a binational cooperative solution. We live in the same air shed, and we are interested in good neighborly relations.

I am fighting to help our binational communities come into compliance with air quality standards with help from both sets of governments. It is only with cooperation and working together to achieve a common goal that we can indeed reduce air pollution and keep the children in Imperial County from suffering from asthma.

Mr. Speaker, H.R. 4774, the FAIR Air Act, will help to achieve that purpose. I urge my colleagues to support that bill.

INTERNATIONAL COURT OF JUSTICE RULES AGAINST ISRAEL'S RIGHT TO PROTECT ITSELF

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, today the so-called International Court of Justice, which I think would be better named the "International Court of Injustice," ruled against Israel putting up a security fence, which she put up in order to protect her people against suicide bombers.

No condemnation from the "International Court of Injustice" about suicide bombers and the killing of innocent civilians and the terror campaign that has been waged against Israel by

the Palestinians for the past 3 years. No talk about the children, the schoolchildren who have been blown up as they go to school on buses, or the pregnant women that have been killed because of Palestinian terror. But only, once again, a ruling condemning the State of Israel.

I do not think that any Nation, having the need to protect its citizens, would act any differently than the State of Israel in putting up this fence to keep suicide bombers out. It is hypocrisy for the International Court of Justice, it is hypocrisy for the United Nations, the hypocrisy of these countries that would have one standard for the State of Israel and one standard for every other country.

Other nations have fences, yet we hear no condemnation towards those countries from the International Court of Justice. India, Saudi Arabia, Turkey all have fences to deal with insurgencies or terrorism, but yet the very countries that condemn Israel for the same thing, we hear nary a peep from them about other countries.

The International Court of Justice should not have even heard this case. But, again, of course, they have one separate standard for the State of Israel and one separate standard for every other country.

Today's decision by the International Court of Justice is in itself a travesty of justice. The Israeli security barrier is not only protecting innocent Israeli civilians from terrorism; it is allowing Palestinians to achieve a greater degree of normalcy as Israeli checkpoints have been removed and terrorists are less able to pass through Palestinian communities.

The Prime Minister of Israel's disengagement plan endorsed by our country, the European Union, the United Nations, and Russia was based in large part on steps by Israel to achieve greater security, including the establishment of this temporary security fence. As soon as Palestinian terrorism ends, there will no longer be a need for this antiterrorism banner. The ruling of the ICJ sets back the Middle East peace process by undermining the disengagement plan and the road map.

The Israeli Supreme Court recently ruled that the security barrier is a legitimate and legal tool to prevent terror, but that there must be a balance between security and the impact on Palestinian communities. I cannot comprehend why an international tribunal has taken up and now reached a decision on a case which had already been competently handled by a national court.

Now, this decision is merely advisory. I call upon the members of the United Nations General Assembly to correct this mistake by not taking up a resolution to implement the recommendations of the International Court of Justice. If they do, the United Nations will once again show that it is not functioning the way it was intended; that instead of being an impartial group, it is leaning heavily on one

side, and as Abba Eban, the late Foreign Minister of Israel, used to say, you could have a resolution at the United Nations saying that the Earth is flat, and if it were put forward by an Arab country, it would automatically get 70 or more votes.

The fence that Israel has put up is a fence that any nation would put up to defend its people and keep terrorism away. Just as we in the United States are doing everything possible to prevent another terrorist attack on our country, Israel has every right to do the same thing to prevent terrorist attacks on its country. Terrorism is a terrible tool that some think can be used as a negotiating tool. We must stomp out this scourge of terrorism wherever it rears its ugly head.

I commend Israel for the security barrier, and I condemn the "International Court of Injustice" for once again showing that they are nothing more than a travesty of justice.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today after 2:30 p.m. on account of personal reasons.

Mr. BOYD (at the request of Ms. PELOSI) for today after 2:00 p.m. on account of family responsibilities.

Mr. EMANUEL (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of personal reasons.

Mr. GREEN of Texas (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. KILPATRICK (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of personal reasons.

Ms. LOFGREN (at the request of Ms. PELOSI) for today after 12:30 p.m. on account of a family commitment.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. ORTIZ (at the request of Ms. PELOSI) for today after 2:10 p.m. on account of official business.

Mr. REYES (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. CULBERSON (at the request of Mr. DELAY) for today on account of illness.

Mr. GERLACH (at the request of Mr. DELAY) for today on account of official business.

Mr. GUTKNECHT (at the request of Mr. DELAY) for today after 11:00 a.m. through 6:00 p.m. on July 13 on account of the death of his father.

Mr. TAUZIN (at the request of Mr. DELAY) for the week of July 6 on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and

extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. SAXTON) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, July 13.

Mr. PENCE, for 5 minutes, today.

Mr. OXLEY, for 5 minutes, today.

Mr. SAXTON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2634. An act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes; to the Committee on Energy and Commerce.

ADJOURNMENT

Mr. ENGEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, July 12, 2004, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8976. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Kevin P. Green, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8977. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Michael D. Malone, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8978. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade indicated in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8979. A letter from the Acting Under Secretary, Department of Defense, transmitting two enclosed reports, the first report is the Department of Defense Chemical, Biological, Radiological, and Nuclear (CBRN) Defense Program Annual Report, the second is the Department of Defense CBRN Defense Program Performance Plan for Fiscal Years 2003-2005, as required by H. Rpt. No. 106-945 and S. Rpt. 108-46, pursuant to 50 U.S.C. 1523; to the Committee on Armed Services.

8980. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's FY 2002 report entitled, "Implementation of the Waste Isolation Pilot Plant Land Withdrawal Act" required under Section 23(a)(2) of the Act; jointly to the Committees on Energy and Commerce and Armed Services.

8981. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2004-36 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from December 16, 2003, to the present; jointly to the Committees on International Relations and Appropriations.

8982. A letter from the Director, National Film Preservation Foundation, transmitting the Foundation's Report to the U.S. Congress for the Year Ending December 31, 2003, pursuant to 36 U.S.C. 5706; jointly to the Committees on the Judiciary and House Administration.

8983. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill "To amend title 38, United States Code, to improve the authorities of the Department of Veterans Affairs relating to compensation, dependency and indemnity compensation, life insurance benefits, memorial benefits, and education benefits, and for other purposes"; jointly to the Committees on Veterans' Affairs and Armed Services.

8984. A letter from the Chairman, Labor Member, and Management Member, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

8985. A letter from the Administrator, General Services Administration, transmitting proposed legislation to authorize the transfer of the Nebraska Avenue Complex (NAC) from the U.S. Navy to the General Services Administration (GSA) for the use of the Department of Homeland Security (DHS); jointly to the Committees on Armed Services, the Judiciary, Transportation and Infrastructure, and Homeland Security (Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 4600. A bill to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions; with an amendment (Rept. 108-593). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Energy and Commerce

discharged from further consideration. S. 1146 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

S. 144. Referral to the Committee on Agriculture extended for a period ending not later than July 31, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JOHN:

H.R. 4790. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the importation of prescription drugs from Canada and certain other countries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HUNTER:

H.R. 4791. A bill to direct the Secretary of the Interior to conduct a feasibility study to design and construct a three-reservoir intertie system for the purposes of improving the water supply reliability and water yield of San Vicente, El Capitan, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the Sweetwater Authority, and for other purposes; to the Committee on Resources.

By Ms. LEE (for herself, Mr. LANTOS, Mr. WEXLER, Mr. PAYNE, Mr. MCGOVERN, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, Mr. OWENS, Mr. RUSH, Ms. WATERS, Ms. NORTON, Mr. CONYERS, Mr. BROWN of Ohio, Mr. BELL, Mr. McDERMOTT, Mr. CROWLEY, Mr. GUTIERREZ, Ms. CARSON of Indiana, Mr. PALLONE, Mr. DAVIS of Illinois, Mrs. MALONEY, Mr. DELAHUNT, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. DOGGETT, Mr. OLVER, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. WAXMAN, Ms. WATSON, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. CLYBURN, Ms. MILLENDER-MCDONALD, Mr. BISHOP of Georgia, Ms. MCCOLLUM, Mr. WYNN, Mr. KUCINICH, Mr. RANGEL, Ms. SOLIS, Mr. DICKS, Ms. SCHAKOWSKY, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Mr. DINGELL, Mr. BERMAN, Ms. DELAURO, Mrs. JONES of Ohio, Mr. MORAN of Virginia, and Mr. SERRANO):

H.R. 4792. A bill to require the President to establish a comprehensive, integrated, and culturally appropriate HIV prevention strategy that emphasizes the needs of women and girls for each country for which the United States provides assistance to combat HIV/AIDS, and for other purposes; to the Committee on International Relations.

By Ms. WATERS (for herself, Mr. LEACH, Mr. FRANK of Massachusetts, Mr. BACHUS, Ms. LEE, and Mrs. MALONEY):

H.R. 4793. A bill to provide for the cancellation of debts owed to international financial institutions by poor countries, and for other purposes; to the Committee on Financial Services.

By Mr. HUNTER (for himself, Mr. FILER, Mr. CUNNINGHAM, Mr. ISSA, and Mrs. DAVIS of California):

H.R. 4794. A bill to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 4795. A bill to amend the Employee Retirement Income Security Act of 1974 to exclude cooperative employing units from multiple employer welfare arrangements; to the Committee on Education and the Workforce.

By Mr. BALLENGER (for himself, Mrs. JOHNSON of Connecticut, Mr. CANTOR, Mr. ROHRABACHER, Mr. GOODE, Mr. PAUL, and Mr. PLATTS):

H.R. 4796. A bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. WAXMAN, Mr. HOYER, Ms. NORTON, Mr. CUMMINGS, Mr. WYNN, Mr. RUPPERSBERGER, Mr. OWENS, and Mr. KUCINICH):

H.R. 4797. A bill to provide for a demonstration project to enhance the ability of Federal agencies to continue to operate during an extended emergency situation, and for other purposes; to the Committee on Government Reform.

By Mr. FORD:

H.R. 4798. A bill to improve post-traumatic stress disorder treatment for veterans of service in Afghanistan and Iraq and the war on terror; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON (for himself, Mr. DAVIS of Illinois, Mr. OSBORNE, Mr. WALDEN of Oregon, Mr. DUNCAN, and Mr. STUPAK):

H.R. 4799. A bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HOOLEY of Oregon:

H.R. 4800. A bill to support specialty crop producers and production in the United States, to improve the program of value-added agricultural product market development grants by routing the grant funds through State departments of agriculture, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 4801. A bill to direct the Administrator of the Federal Aviation Administration to issue an order regarding secondary cockpit barriers; to the Committee on Transportation and Infrastructure.

By Mr. MEEHAN:

H.R. 4802. A bill to require information on railroad tank cars containing hazardous ma-

terials to be available to first responders; to the Committee on Transportation and Infrastructure.

By Mr. MICHAUD:

H.R. 4803. A bill to designate the memorial to Edmund S. Muskie located in Rumford, Maine, as a national memorial; to the Committee on Resources.

By Mr. MICHAUD:

H.R. 4804. A bill to authorize the Secretary of the Interior to conduct a special resources study to determine the suitability and feasibility of designating the memorial to Edmund S. Muskie located in Rumford, Maine, as a unit of the National Park System; to the Committee on Resources.

By Mr. MURPHY (for himself, Mrs. JOHNSON of Connecticut, Mr. KENNEDY of Rhode Island, Mr. GREENWOOD, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, and Mr. GINGREY):

H.R. 4805. A bill to direct the Secretary of Health and Human Services to establish a demonstration program under which the Secretary offsets the costs of electronic prescribing systems of Medicare health care providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER:

H.R. 4806. A bill to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes; to the Committee on Resources.

By Mr. OSE (for himself, Mr. CARDOZA, Mr. FILER, Mr. SHERMAN, Mr. MCKEON, Mr. DOOLITTLE, Mr. MATSUI, Mr. POMBO, Mr. HERGER, Ms. LEE, Ms. WATSON, Mr. GARY G. MILLER of California, Mr. SCHIFF, Mr. ROHRABACHER, Ms. ESHOO, Ms. MILLENDER-MCDONALD, Mr. LEWIS of California, Mr. ROYCE, Mr. FARR, Mr. NUNES, and Mr. HONDA):

H.R. 4807. A bill to designate the facility of the United States Postal Service located at 140 Sacramento Street in Rio Vista, California, as the "Adam G. Kinser Post Office Building"; to the Committee on Government Reform.

By Mr. PEARCE:

H.R. 4808. A bill to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base; to the Committee on Resources.

By Mr. RYAN of Wisconsin:

H.R. 4809. A bill to make permanent the reduction in taxes on dividends and capital gains; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California:

H.R. 4810. A bill to require that 50 percent of the amounts provided under certain grants provided by the Department of Homeland Security for first responders shall be distributed directly to local entities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND
RESOLUTIONS

Under clause 3 of rule XII,

Mr. CROWLEY introduced a bill (H.R. 4811) for the relief of Saikou A. Diallo; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. SMITH of Michigan.
H.R. 189: Mr. TOWNS.
H.R. 480: Mr. CROWLEY, Mr. MEEKS of New York, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. BISHOP of New York, and Mr. ENGEL.
H.R. 677: Ms. MAJETTE.
H.R. 792: Mr. WALDEN of Oregon, Mrs. CHRISTENSEN, Mr. UDALL of New Mexico, and Mr. PETRI.
H.R. 839: Mr. HASTINGS of Washington, Mr. SAXTON, Mr. NADLER, and Mr. DICKS.
H.R. 970: Mr. WATT.
H.R. 1097: Ms. MAJETTE, Mr. RANGEL, and Mr. MICHAUD.
H.R. 1258: Mr. ACKERMAN.
H.R. 1336: Ms. MAJETTE and Mr. TOWNS.
H.R. 1414: Mrs. MALONEY.
H.R. 1615: Mr. PALLONE.
H.R. 1634: Mr. WALDEN of Oregon.
H.R. 1823: Mr. SMITH of New Jersey.
H.R. 1863: Ms. BALDWIN, Mr. STRICKLAND, and Ms. SLAUGHTER.
H.R. 1873: Mr. SHAYS and Mr. ISTOOK.
H.R. 1886: Mr. GONZALEZ.
H.R. 1994: Ms. MAJETTE.
H.R. 1995: Mr. FROST.
H.R. 2068: Mr. KILPATRICK, Ms. MCCOLLUM, and Mr. MOORE.
H.R. 2071: Mr. MEEHAN.
H.R. 2387: Mr. TIERNEY and Mr. GEORGE MILLER of California.
H.R. 2562: Mr. SCOTT of Georgia.
H.R. 2674: Mr. MCGOVERN and Mr. UDALL of New Mexico.
H.R. 2747: Mr. SOUDER.
H.R. 2839: Mr. VITTER.
H.R. 2843: Mr. MEEHAN and Mr. WELLER.
H.R. 2916: Mrs. MALONEY.
H.R. 2959: Mr. DELAHUNT, Mr. LEWIS of Georgia, Mr. SERRANO, and Mr. MILLER of North Carolina.
H.R. 2967: Mr. LOBIONDO.
H.R. 2983: Mr. COLE.
H.R. 3042: Mr. PENCE.
H.R. 3085: Mr. WEINER.
H.R. 3111: Mrs. WILSON of New Mexico, Ms. MCCOLLUM, Mr. DEFAZIO, Mrs. LOWEY, and Mr. ENGLISH.
H.R. 3193: Mr. TURNER of Ohio.
H.R. 3242: Mr. SHUSTER and Mr. TAYLOR of North Carolina.
H.R. 3310: Mr. GARY G. MILLER of California.
H.R. 3313: Mr. LEWIS of Kentucky and Mr. SESSIONS.
H.R. 3361: Ms. ESHOO.
H.R. 3558: Mr. LAHOOD.
H.R. 3579: Mr. MEEK of Florida.
H.R. 3676: Mr. RANGEL.
H.R. 3809: Mr. CAPUANO.
H.R. 3816: Mr. LIPINSKI.
H.R. 3831: Mr. TOWNS, Mr. DAVIS of Illinois, Mr. WYNN, Mr. RANGEL, Mr. SCHIFF, Ms. WATSON, Mr. BERMAN, Mr. CONYERS, Mr. JACKSON of Illinois, Mr. RUSH, and Mr. DAVIS of Alabama.
H.R. 3858: Mr. REYNOLDS, Mr. DELAHUNT, and Mr. LEWIS of Georgia.
H.R. 3968: Mrs. TAUSCHER.
H.R. 4046: Mr. CROWLEY, Mr. FOSSELLA, Ms. VELÁZQUEZ, Mr. WALSH, Mr. NADLER, Mr. ENGEL, Mr. REYNOLDS, Mr. QUINN, Mr. SWEENEY, and Mr. KING of New York.

H.R. 4113: Mr. SHAW.
H.R. 4126: Mr. GORDON.
H.R. 4249: Ms. SOLIS, Ms. MILLENDER-MCDONALD, Mr. BERRY, Mr. LEWIS of Georgia, Mr. RUSH, Mr. EMANUEL, Mr. SNYDER, Mr. RUPPERSBERGER, Mr. WYNN, Mr. NEAL of Massachusetts, Mr. MARKEY, Mr. CARDIN, Mr. OBERSTAR, Mr. THOMPSON of Mississippi, Mr. LARSON of Connecticut, Mr. CONYERS, Mr. PAYNE, Ms. MCCARTHY of Missouri, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. NADLER, Mr. WEINER, Mr. TOWNS, Mr. OWENS, and Mrs. MALONEY.
H.R. 4256: Ms. SCHAKOWSKY.
H.R. 4262: Mr. LEWIS of Georgia, Ms. MILLENDER-MCDONALD, and Ms. BORDALLO.
H.R. 4284: Mr. OTTER and Mr. CALVERT.
H.R. 4306: Mr. LIPINSKI.
H.R. 4341: Mr. LARSON of Connecticut.
H.R. 4356: Mr. MEEKS of New York.
H.R. 4358: Mr. SIMMONS.
H.R. 4375: Mr. GEORGE MILLER of California, Mr. McDERMOTT, Mr. TOWNS, Mr. McINTYRE, and Mr. SOUDER.
H.R. 4391: Mr. SHAYS.
H.R. 4396: Mr. WILSON of South Carolina.
H.R. 4430: Mr. BURR, Mr. MICA, Mr. CAMP, Mr. KENNEDY of Minnesota, and Mr. FRANKS of Arizona.
H.R. 4450: Mr. LEWIS of Georgia and Mr. LIPINSKI.
H.R. 4468: Mr. SPRATT.
H.R. 4491: Mr. BROWN of Ohio, Mrs. JONES of Ohio, Mr. JENKINS, Mr. SHUSTER, and Mr. MCHUGH.
H.R. 4530: Mr. TAYLOR of Mississippi and Mr. ROGERS of Alabama.
H.R. 4557: Mr. DUNCAN, Mr. FORD, Mr. COOPER, and Mr. LAHOOD.
H.R. 4561: Mr. KILDEE, Mrs. MCCARTHY of New York, and Mr. WEXLER.
H.R. 4585: Mr. RANGEL, Mr. ETHERIDGE, Mr. BELL, Mrs. DAVIS of California, and Mrs. JONES of Ohio.
H.R. 4598: Mr. STEARNS.
H.R. 4600: Mr. MANZULLO.
H.R. 4634: Mrs. JOHNSON of Connecticut.
H.R. 4636: Mr. LEWIS of Georgia, Mr. ETHERIDGE, Mr. CASE, Mr. LAMPSON, Ms. WOOLSEY, Mr. WU, and Mr. HONDA.
H.R. 4654: Ms. KAPTUR, Ms. WOOLSEY, and Mr. MCGOVERN.
H.R. 4655: Mr. PETERSON of Minnesota.
H.R. 4680: Mr. RENZI and Mr. ISSA.
H.R. 4714: Mr. PORTMAN.
H.R. 4730: Mr. SOUDER, Ms. HART, Mr. BERRY, Mr. OBERSTAR, Mr. DAVIS of Illinois, and Mr. LIPINSKI.
H.R. 4739: Mr. BOEHLERT.
H.R. 4740: Ms. SCHAKOWSKY.
H.R. 4758: Mr. BROWN of Ohio.
H.R. 4769: Mr. OBERSTAR and Mr. FROST.
H.R. 4785: Mr. DAVIS of Illinois.
H. Con. Res. 375: Mr. HOYER, Mr. ISAKSON, Mr. NADLER, and Mrs. LOWEY.
H. Con. Res. 390: Mr. WEINER, Mr. TANCREDO, and Mr. SCHIFF.
H. Con. Res. 462: Mr. SIMMONS.
H. Con. Res. 467: Mr. BACHUS, Mr. FILNER, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. HINCHEY, Ms. LOFGREN, Mr. EVANS, Mr. KLECZKA, Mr. GORDON, Mr. NADLER, Mr. FRANKS of Arizona, and Mr. CAPUANO.
H. Res. 567: Ms. PELOSI and Mr. GEORGE MILLER of California.
H. Res. 568: Mr. RYAN of Wisconsin, Mr. PAUL, Mr. BOOZMAN, and Mr. EVERETT.
H. Res. 629: Ms. SLAUGHTER and Mr. OWENS.
H. Res. 647: Mr. FROST, Mr. BLUNT, and Mr. PALLONE.
H. Res. 687: Mr. VAN HOLLEN.

DELETIONS OF SPONSORS FROM
PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3889: Mrs. MYRICK.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4766

OFFERED BY: Ms. KAPTUR

AMENDMENT No. 3: In title I, under the heading "COMMON COMPUTING ENVIRONMENT", insert after the dollar amount the following: "(reduced by \$8,000,000)".

In title III, under the heading "RENEWABLE ENERGY PROGRAM", insert after the dollar amount the following: "(increased by \$8,000,000)".

H.R. 4766

OFFERED BY: Mr. LUCAS OF OKLAHOMA

AMENDMENT No. 4: At the end of the bill (before the short title), insert the following:

TITLE —ADDITIONAL GENERAL
PROVISIONS

SEC. _____. (a) Section 1241(b) of the Food Security Act of 1985 (16 U.S.C. 3841(b)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) through (4)"; and

(2) by adding at the end the following:

"(3) FARMLAND PROTECTION PROGRAM, GRASSLAND RESERVE PROGRAM, ENVIRONMENTAL QUALITY INCENTIVES PROGRAM, WILDLIFE HABITAT INCENTIVES PROGRAM, AND GROUND AND SURFACE WATER CONSERVATION PROGRAM.—

"(A) IN GENERAL.—Effective for fiscal year 2005 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out a conservation program specified in paragraphs (4) through (7) of subsection (a) of this section or the ground and surface water conservation program under section 1240I shall not be available for the provision of technical assistance for any other of such programs.

"(B) SEPARATION OF GROUND AND SURFACE WATER CONSERVATION PROGRAM FROM THE ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—For purposes of subparagraph (A), the ground and surface water conservation program under section 1240I shall be considered to be a program separate and apart from the rest of the environmental quality incentives program under chapter 4 of subtitle D.

"(4) CONSERVATION RESERVE PROGRAM AND WETLANDS RESERVE PROGRAM.—Effective for fiscal year 2005 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out a conservation program specified in paragraph (1) or (2) of subsection (a) shall be available for the provision of technical assistance for the program."

H.R. 4766

OFFERED BY: Mr. LUCAS OF OKLAHOMA

AMENDMENT No. 5: At the end of the bill (before the short title), insert the following:

TITLE —ADDITIONAL GENERAL
PROVISIONS

SEC. _____. (a) None of the funds made available in this Act for the Environmental Quality Incentives Program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa-3839aa-9), the Wildlife Habitat Incentive Program authorized by section 1240N of such Act (16 U.S.C. 3839bb-1), the Grassland Reserve Program authorized by subchapter C of chapter 2 of such subtitle (16 U.S.C. 3838n-3838q), or the Farmland Protection Program authorized by subchapter B of such chapter 2 (16 U.S.C. 3838h-3838j) may be used to provide

technical assistance under the Conservation Reserve program authorized by subchapter B of chapter 1 of such subtitle (16 U.S.C. 3831–3835a) or under the Wetlands Reserve Program authorized by subchapter C of such chapter 1 (16 U.S.C. 3837–3837f).

(b) None of the funds made available in this Act for the Conservation Reserve pro-

gram authorized by subchapter B of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831–3835a) may be used to provide technical assistance under the Wetlands Reserve Program authorized by subchapter C of such chapter (16 U.S.C. 3837–3837f).

(c) None of the funds made available in this Act for the Wetlands Reserve Program au-

thorized by subchapter C of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3837–3837f) may be used to provide technical assistance under the Conservation Reserve Program authorized by subchapter B of such chapter (16 U.S.C. 3831–3835a).



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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Lord God Almighty, you have set Your glory above the heavens. Righteous and true are Your ways. You alone are the King of nations. Search our hearts and examine our motives so that we may walk in Your paths. Help us to put our mistakes and blunders behind us as we strive for Your ideal of sacrificial service. Remind us often of the price that was paid for our redemption.

Today, give our lawmakers the grace to glorify You. Bless them as they wrestle with the complicated issues of freedom. May their debates be characterized by candor and civility. In Your unfailing love, lead us all to paths of abundant liberty.

We pray this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will be in a period of morning business throughout the day. The majority leader announced last night there will be no rollcall votes during today's session, but Senators are en-

couraged to come to the Senate floor to speak on the constitutional amendment regarding marriage, which has been slated for floor consideration early next week.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with the first 4 hours equally divided between the two leaders or their designees.

As a Senator from Alaska, I ask I be notified if anyone makes a motion pertaining to any appropriations bill this morning.

PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATING TO MARRIAGE

Mr. ALLARD. Mr. President, I rise today to start what I hope will be constructive debate on my amendment, S.J. Res. 40, the marriage amendment, which states:

Marriage in the United States shall consist only of the union of a man and a woman.

Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

Before making my formal comments I would also like to express my sincere gratitude to my colleagues who have cosponsored this amendment. It has taken countless hours of study and discussion to get to this point and each of our cosponsors has shown courage and commitment to protecting marriage.

I would like to express my appreciation to the majority leader for his commitment and leadership. Without the

support of Senate leadership, the public may never have had an opportunity to address this vitally important issue in a democratic body.

I also thank President Bush for his early commitment to the principles embodied in this amendment. Marriage, the union between a man and a woman, has been the foundation of every civilization in human history. The definition of marriage crosses all bounds of race, religion, culture, political party, ideology, and ethnicity. Marriage is embraced and intuitively understood to be what it is. Marriage is a union between a man and a woman.

As an expression of this cultural value, the definition of marriage is incorporated into the very fabric of civic policy. It is the root from which families, communities, and government are grown. Marriage is the one bond on which all other bonds are built.

This is not some controversial ideology being forced upon an unwilling populace by the Government. It is in fact the opposite. Marriage is the ideal held by the people and Government has long reflected this. The broadly embraced union of a woman and a man is understood to be the ideal union from which people live and children best blossom and thrive.

As we have heard in hours upon hours of testimony in various Senate committees over the last 2 years, marriage is a pretty good thing. A good marriage facilitates a more stable community, allows kids to grow up with fewer difficulties, increases the lifespan and quality of life of those involved, reduces the likelihood of incidences of chemical abuse and violent crime, and contributes to the overall health of the family. It is no wonder so many single adults long to be married, to raise kids, and to have families branching out in every direction.

Today there are numerous efforts to redefine marriage to be something that it isn't. When it comes to same-gender couples there is a problem of definition. Two women or two men simply do

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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not meet the criteria for marriage as it has been defined for thousands of years. Marriage is, as it always has been, a union between a man and a woman. American society has come to recognize the stability and commitment of same-gender couples in a way unimaginable in many other countries. In some State's partnership laws and civil union statutes have been created—contractual bonds among same-gender couples—to symbolize and codify these relationships. Some cities and States have elected to express this legal recognition while others have not. Some employers extend benefits to same-gender partners while others do not. In virtually every town and city, America's tolerance and respect for diversity is second to none in the world. I believe that our democracy continually, systemically expresses these values.

Marriage, however, is what it is. It is a union between a man and a woman. Gays and lesbians are entitled to the same legal protections as any one else. Gays and lesbians have the right to live the way they want to. But they do not have the right to redefine marriage.

I believe the Framers of the Constitution felt that this would never be an issue, and if they had it would have been included in the U.S. Constitution. Like the vast majority of Americans it would have never occurred to me that the definition of marriage, or marriage itself, would be the source of controversy. A short time ago it would have been wholly inconceivable that this definition—this institution that is marriage—would be challenged, redefined, or attacked. But we are here today because it is.

Traditional marriage is under assault. I say assault because the move to redefine marriage is taking place not through democratic processes such as State legislatures or the Congress or ballot initiatives around the Nation. This assault is taking place in our courts and often in direct conflict with the will of the people, State statute, Federal statute, and even State constitutions.

Activists and lawyers have devised a strategy to use the courts to redefine marriage. This strategy is a clear effort to override public opinion and the long standing composition of traditional marriage and to force same-sex marriage on society.

Over the course of the last 10 years, traditional marriage laws have been challenged in courts across the Nation. Alaska, Arizona, California, Florida, Hawaii, Indiana, Maryland, Massachusetts, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, Oregon, Vermont, Washington, and West Virginia have all seen traditional marriage challenged in court. Cases are pending today in 11 of those States. But this is not a strategy based on tilting at windmills. It is a strategy that has been employed with a good deal of success.

The first success in this legal strategy was in Vermont in 1999. The

Vermont State Supreme Court ordered State legislators to either legalize same-sex marriage or create civil unions. The second, and to date the most widely covered success in the effort to destroy traditional marriage, came more recently in the State of Massachusetts where four judges forced the entire State to give full marriage licenses to same-sex couples.

This edict came despite the fact that the populace of Massachusetts opposed this redefinition of marriage and despite the fact that no law had ever been democratically passed to authorize such a radical shift in public policy. Proponents of same-sex marriage have shopped carefully for the right venues, exploited the legal system, and today stand ready to overturn any and all democratically crafted Federal or State statute that would stand between them and a new definition of humanity's oldest institution.

The question of process is very important in this debate—it is in fact the very heart of this debate. While recent court decisions handed down by activist judges may not respect the traditional definition of marriage, these decisions also highlight a lack of respect for the democratic process. No State legislature has passed legislation to redefine the institution of marriage. Not one.

Any redefinition of marriage has been driven entirely by the body of government that remains unaccountable and unelected—the courts.

Many colleagues do not feel we should be talking about marriage in the Senate. I say we must. Our government is a three-branch government. The Congress is the branch that represents the people most directly. We have a duty to, at the very least, discuss the state of marriage in America. If we do not take this up, if we do not overcome procedural hurdles and objections we abdicate our responsibility. We will allow the courts sole dominion on the state and future of marriage. This Senate, the world's most deliberative body, must provide a democratic response to the courts.

Legislatures across the country have joined Congress in recent years in affirming a 1996 law called the Defense of Marriage Act—DOMA. DOMA defines marriage at the Federal level as a union between a man and a woman and essentially prohibits one State from forcing its will on another on the question of marriage. This bipartisan legislation passed with the support of more than three-quarters of the House of Representatives and with the support of 85 Senators before being signed into law by then-President Bill Clinton. To date 38 States have enacted statutes defining marriage in some manner, and 4 States have passed State constitutional amendments defining marriage as a union of one man and one woman. These State DOMAs and constitutional amendments, combined with Federal DOMA, should have settled the question as to the democratic expression of the will of the American public. As I outlined before, these laws—these ex-

pressions of the public—have been ignored by the activist courts.

State court challenges in Massachusetts or Vermont or Maryland may seem well and good to those concerned with the rights of States to determine most matters, a position near and dear to my heart. These challenges, however, have spawned greater disrespect, even contempt, for the will of the other States than any of us could have predicted. It seems to me that there are long-term implications for both Federal DOMA and the rights of States to define unions through either state DOMA or the State constitutional amendment process. It is clear to me that we are headed to judicially mandated recognition of same-gender couples regardless of State or Federal Statute.

The same-sex marriage proponents achieved some success in Vermont and Massachusetts by forcing the hand of those States' legislatures.

The national effort to redefine marriage has also been buoyed by decisions made by the U.S. Supreme Court. In June 2003 the Court inferred that a right to same-sex marriage could be found in the U.S. Constitution in *Lawrence v. Texas*. A variety of experts, including Justice Scalia and Harvard Professor Lawrence Tribe, forecast that this decision points to the end of traditional marriage laws—including Federal and State DOMAs. The Massachusetts court relied heavily on the *Lawrence* decision to strike down the State's traditional marriage law in that *Goodridge* case. The court further specifically threatened and questioned the validity of DOMA and traditional marriage laws around the Nation.

When *Goodridge* took effect on May 17 of this year, same-sex couples became entitled to Massachusetts marriage licenses.

In anticipation of *Goodridge*, a handful of local officials in New York, California, and Oregon began issuing licenses to same sex couples in February and March. To date, through the combined efforts of lawless local officials and those licenses issued in Massachusetts, couples from at least 46 State shave received licenses in those jurisdictions and returned to their home States. These 46-plus States are State and Federal DOMA challenges just waiting to happen. A couple will file for recognition—sue for recognition—under the full faith and credit clause. What we know about the *Lawrence* decision, that all traditional marriage laws are unconstitutional, dooms those State DOMAs.

There is a case pending in Seattle today to force recognition of an Oregon marriage license. More of these cases are expected and we look forward to nothing less than a patchwork of marriage laws, crafted by judges and forced on to one State from another outside the democratic process, regardless of the will of the voters.

It is important to highlight what is going on in the State of Nebraska where an even more odious turn of events is unfolding. Nebraskans passed a State constitutional amendment, defining marriage as a union between a man and a woman, that passed with 70 percent of the vote. The ACLU and the Lambda Legal Foundation are now suing Nebraska in a Federal court to undo the will of the voters.

According to testimony in the Senate Judiciary Constitution Subcommittee, Nebraska Attorney General Jon Bruning, whose office moved to dismiss the case and was denied, the language in the court's order signals that Nebraska will very likely lose the case at trial. I find it chilling that the will of an entire State, expressed democratically, may be undone by a Federal judge in an unelected position and tenured for life.

So we find ourselves here today, seeking to debate an amendment to the United States Constitution that reads in its entirety as follows:

Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

Our amendment defines marriage as it has been defined for thousands of years in hundreds of cultures around the world. This text further defines that any establishment or non-establishment of civil unions or partnership laws be created democratically, by the States themselves, and not by courts.

I have said it time and time again and I say here today for the record, the amendment does not seek to prohibit in any way the lawful, democratic creation of civil unions. It does not prohibit private employers from offering benefits to same-gender partners. It denies no existing rights.

What our amendment does is to define and protect traditional marriage at an appropriate level, the highest possible level—the Constitution. Importantly, the consideration of this amendment in the Senate represents the discussion of marriage in America in a democratic body of elected officials. This is something too long denied this important topic.

I have heard from those who claim this amendment discriminates against people; that the very definition of marriage is somehow a tool for oppression.

To those who believe that our marriage protection amendment is discriminatory, I ask them this: Do you truly believe that marriage, the traditional and foundational union between a man and a woman, is discrimination? Is it discrimination to hold as ideal that a child should have both a mother and a father?

It is important to make clear that on the question of federalism and States' rights, I stand where I always have. While an indisputable definition of

marriage will be a part of our Constitution, all other questions will be left to the states. Gregory Coleman, former Solicitor General of the State of Texas, testified before the Senate Judiciary Subcommittee on the Constitution last September and made the following statement on this matter:

Some have objected to a proposed constitutional amendment on federalism grounds. These concerns are misplaced. The relationship between the states and the Federal government is defined by the Constitution and, a fortiori, a constitutional amendment cannot violate principles of federalism and States' rights.

A federal constitutional amendment is perhaps the most democratic of all processes—because it requires ratification by three-fourths of the states—and simply does not raise federalism concerns. The real danger to States' rights comes from the recognition of unenumerated constitutional rights in which the states have had no participation.

I share those sentiments and cannot express them any more clearly. We stand today at the commencement of the most democratic, most federalist process in all our government. Those around the country who have watched as activist courts have wildly disregarded these principles I say to you, watch the Senate; watch the House of Representatives, watch your elected officials and see where they stand on this most important debate.

This body and that on the other side of the Capitol represent the American people more fully and completely than any other and it is time we make this discussion truly national and truly democratic.

Those serving in the Congress understand that there is a great deal of emotion on both sides of this issue, and not every one of us will agree on this matter. It is my hope that we can agree that in matters concerning marriage, the most fundamental of all social institutions, this debate can not take place exclusively in the courts. The democratic process compels this Congress to discuss marriage and what is taking place—the judicial redefinition of marriage.

Marriage, the union between a man and a woman, has been the foundation of every civilization in human history. This definition of marriage crosses all bounds of race, religion, culture, political party, ideology, and ethnicity. It is not about politics or discrimination, it is about marriage and democracy. It is incumbent upon us to remember that and to move forward.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, I thank Senator ALLARD for his willingness to change and clarify the proposal he makes today so that it leaves open to the States the elbow room that is appropriate to define legal rights for non-traditional families, gays and lesbians, and others.

It is a fact that sociologists say marriage, as we have traditionally known and practiced it, is the ideal cir-

cumstance for the creation and rearing and nurturing of children. But it is a fact that not all children have the opportunity of a family with a mother and a father, though what marriage does as a legal institution is to say to children here and those yet unborn that there is a legal framework in which they can enjoy protection and have the society of a mother and a father.

It is clear as we wrestle with this sensitive issue, it is clear to the conscience of the American people that boys and girls need moms and dads. Not all get them, but the law has provided a framework for it. Those children who do not have it should also enjoy legal protections not unlike those that are enjoyed in the institution of marriage.

In all the time that I have been a U.S. Senator, I have been an advocate of gay rights. Yet throughout that time I also have believed it right to defend traditional marriage. I have tried hard to be clear, consistent, and careful about this issue and this debate. I know my position as being for gay rights but for traditional marriage is a disappointment to many of my gay and lesbian friends.

I also note for the record I get little credit from the right because I do advocate for many gay rights. Indeed, the other night on his radio program, Dr. James Dobson said to a national audience, which included many Oregonians, that I was not going to vote for traditional marriage. I wish he hadn't done that. I believe that is a form of bearing false witness because I have been clear and I have been consistent on this point. He may owe me no apology, but I wish he would make it clear to my constituents.

I make no apology for supporting many of the needs of gay and lesbian Americans. Issues of public safety, housing, employment, benefits: these are rights that we take for granted, rights which many of them have felt out of reach. So I have believed it is not just right to advocate for these things but it even be a part of my belief system to advocate for those who are oppressed and to show tolerance by helping those in need. Matthew Shephard comes to mind, and many others who have suffered hate crimes against them in the most vicious of fashion. I think our society is changing its heart on these issues in ways that Americans want to be tolerant, they want to be careful, they want to say to gays and lesbians that we love you, we include you, we care about you.

But in saying that, I think many feel intuitively to be careful on the issue of marriage. Marriage is a word. Words have meaning. Few words have more meaning to our culture and our future and our civilization than marriage because marriage ultimately is about more than just consenting adults. It is about the natural rearing and nurturing of children, preparing them for citizenship under the most ideal circumstances possible.

Senator ROBERT BYRD often comes to this Chamber, and I love it when he quotes Cicero, an ancient Roman Senator. So I quote Cicero this morning. Cicero said very long ago, "The first bond of society is marriage." I believe Cicero was right. He was not a religious man, he was a secular man. He was a nonbeliever. But he also saw the incredible benefit to building up citizens of Rome through this first bond of society which was then and is still marriage.

I suppose I take this position, a nuanced position, to be sure, because I am somewhat of an old-fashioned idealist. However imperfectly practiced by the American people, marriage still is a perfect ideal. I think the American people deserve a debate on this that is civil, that is respectful, and that includes all Americans.

Some have come to this floor, and will in the coming days, to hold up the Constitution. Here is a copy of it. They will say this is a sacred document, a document that should not be amended. I will admit to the Presiding Officer it would be better that we not have to do this, to even resort to a constitutional amendment. But this is what Article V of the Bill of Rights says:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution. . . .

It goes on.

They would not have included this Article V in the Bill of Rights if it were not intended that this be a living document. But they intended the Constitution to be a living document, and the United States has amended this Constitution 27 times.

Were it not a living document, this document would have failed. Were it not subject to amendment, the most egregious kinds of actions would have been put in place that would have made us ashamed forever.

For example, perhaps the most dreadful decision ever rendered under this Constitution was that of Dred Scott. Roger B. Taney, the Chief Justice of the Supreme Court, held that African Americans were not human and were the subject of property and could be controlled as property like any other chattel. That is a decision that goes down in infamy, if ever there was one. It took a Civil War and then the thirteenth and fourteenth amendments to the Constitution, which before was silent on the issue of slavery, to ultimately overcome this insidious practice in parts of the United States.

Some say: Well, that is a sacred thing that was done. And I agree, it was. I believe the Constitution is both sacred and secular, but living and improving, and open to debate.

I mentioned the last time the Constitution was amended was in 1992. It is the twenty-seventh amendment. It reads:

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

That is the twenty-seventh amendment. It is about money. It is about salaries for Senators and Representatives. I suggest to you that may be appropriate to be in the Constitution because it went through the process, but there is nothing sacred about that.

So the question then becomes, Is it appropriate to put a definition of marriage into our Constitution? I would say, as a matter of preference, it is better not to put cultural issues in the Constitution, until you come to this question: Shall the Constitution be amended? And I tell everyone, the Constitution of the United States is about to be amended. The question is: By whom? Will it be done by a few liberal judges in Massachusetts, a lawless mayor in San Francisco, or clandestine county commissioners, or by the American people in a lawful, constitutional process, as laid out in our founding document?

You will hear lots of people beating on their chests and sounding very sanctimonious in this debate that: We should not do this or that. But the truth is, the Constitution is going to be amended. And I say: Include the American people.

Now, some also say: The issue of marriage has nothing to do with the Federal Government. Leave it to the States. My family has an interesting history in regard to leaving it to the States. My ancestors were, for the most part, Mormon pioneers who came from England in little boats, crossed the ocean, and walked across the country. They had a peculiar practice among them. It is found throughout the pages of the Bible, particularly in the Old Testament. They practiced a principle they called "plural marriage." The marriages practiced by Abraham, Isaac, and Jacob.

My great-grandfather David King Udall had two wives, one large, happy family. I am descended from the second. He came to America, helped found the State of Arizona, and spent time in prison because he violated a Federal law, the Edmunds-Tucker law from the 1870s, in which the Federal Government defined marriage as "one man and one woman." He was a great man, a great pioneer, had great sons and daughters who helped the desert of the West blossom as a rose.

He has a large posterity. He sacrificed much for the principle of his faith. But he paid a price because the Federal Government, long ago, defined what marriage was. Ultimately, Grover Cleveland pardoned him, and he named one of his sons Grover Cleveland Udall.

Some people would say this is enacting discrimination into the Constitution. Well, my progenitors were discriminated against, I guess, but the truth is, our country through a lawful process in the 1860s and 1870s defined marriage at the Federal level.

Now what is happening? What is happening in our country is we have elected officials and unelected judges interpreting the Constitutions of their States and of our Nation to find in it rights that are not mentioned in it. This has happened a lot in recent years. I have concluded it is better that these things be resolved with the American people than without them.

The American people have a sense of fairness and tolerance and justice and right and wrong. What is happening is their views, their values, their beliefs, their respect for law is being trampled upon by a few liberal elites. That is not right.

In my own State of Oregon, in 1862, Oregon passed its law on marriage. Mr. President, 142 years have transpired, 142 years of Oregon law and practice and custom. But what happened recently? Four or five county commissioners in one of our counties ignored 142 years of law, ignored 1,000 years and more of human history, and, without notice, without a public meeting, changed the law. To me, this is deeply disappointing and terribly undemocratic. Before this happens again, I think it is appropriate, on an issue this central to our country, to our civilization, to the future, we involve "we the people." The only way to do that is through a constitutional process.

Now, I wish this cup would pass from us. I do not like this. I love people. I believe in tolerance. But I believe in democracy. Many will tell you we should leave this alone. But if you leave this alone, you will leave it to others. And if you leave it to others, they will dictate to the American people what it has to be. The only recourse then available—when a Federal judge nullifies all State DOMA or constitutional provisions of the several States, finding an equal protection right to same-gender marriage—the only recourse then is through the constitutional process laid out by the fifth amendment in the Bill of Rights.

That is how you include the American people. I say public meetings, public notice, public debates, let people vote, let their elected representatives in the several States vote on it. If we are going to change it, let's change it with the American people, not at the American people. Unfortunately, that seems to be what many who will argue against this want to happen. They want to do this to us, not with us.

For the record, let me express to my gay and lesbian friends, I don't mean to disappoint you, but I can't be true to you if I am false to my basic beliefs. I believe that marriage, as we have known and practiced it in this country for hundreds of years now, is something that should be preserved. New structures can be created, new legal rights conferred, without taking down this word that represents an ideal—not about adults but including children. I mean to hurt no one's feelings in my position. I intend to be your champion on many issues in the future, if you

want me. But on this one, I have to be able to get up in the morning and look in the mirror and be true to myself.

I have spoken what I believe to be true this morning. I believe marriage is more profoundly important than we might now recognize. Before we let a few tell the many what it is going to be, I think we ought to debate it, carefully consider it, because while we debate issues of war and peace and recession and prosperity, some will say there are so many more important things to discuss than this.

I say to you, there probably isn't a more important issue to discuss than the legal structure that binds men and women together for the creation and the rearing and nurturing of future generations of Americans. I make no apology for my vote for this process, for an amendment that defines marriage, because that is where it is headed, because the courts will compel it. And our legal structure gives American citizens an avenue to be included. So with my vote, I say include we the people.

I yield the floor and suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUICIDE EPIDEMIC ON INDIAN RESERVATIONS

Mr. DORGAN. Mr. President, yesterday on the Senate floor and this morning watching an interview on NBC's "Today Show" by my colleague from Oregon, Senator SMITH, there was a great deal of discussion about the issue of youth suicide. All of us in this Chamber, as part of the Senate family, have extended our hearts, thoughts, and prayers to the Smith family upon the loss of their son. It is devastating to lose a child. I lost a beautiful, wonderful daughter some while ago to heart disease.

Yesterday, as I listened to my colleague, Senator SMITH, describe the loss of his son and discuss the issue of suicide, I know that it adds a dimension to what is an almost unbearable burden of losing a child, to lose a child to suicide. So my thoughts and prayers have been with the Smith family, and I know, too, that what Senator SMITH has done in providing leadership for the legislation passed last evening is going to save lives.

We will not know their names, but there are going to be young people in this country whose lives are going to be saved because the grants and the resources that are going to be made available through the legislation

passed by the Senate last night. I am glad to be an original cosponsor of this bill. It is going to give kids who are despondent and have despair and depression hope, opportunity, and counseling. So what the Senate did last night is going to save lives, and we owe a great debt of gratitude to Senator SMITH. I hope the lives that are saved in the years ahead in some way are a memorial to the late son of Senator SMITH and his family.

I had come to the floor some 2 months or so ago intending to speak about a young girl on the Spirit Lake Nation Indian Reservation in North Dakota. When I came to the floor, I saw my colleague was in the Chair at that point and I decided that I really did not want to describe the circumstances of her death because she had committed suicide. I knew the burden the Smith family had been dealing with surrounding the loss of their son. So I did not describe that young girl's death in any detail, but I would like to today in light of the speech that was delivered and in light of the action the Senate took last evening, which has given me some hope.

I will describe this young girl. This young girl was named Avis Littlewind. She died a few months ago now. She took her own life. She was 14 years of age. She lived on the Spirit Lake Nation Indian Reservation. She was a seventh grader at the Four Winds Middle School. I am told she enjoyed riding horses, playing basketball, grooming her animals, and listening to music. The day after she died, someone told me about the plight of this little girl. So I called the reservation and talked to the psychologist and the social worker involved. Since that time, I have gone to that reservation, I have sat around in a circle for an hour visiting with her classmates in the seventh grade, talked to the counselors, talked to the school administrators, talked to members of the tribal council about what is happening on our Indian reservations. Because, although I am speaking today about Avis Littlewind, there is an epidemic of suicides on Indian reservations. The legislation that Senator SMITH, Senator DODD, and others offered in the Senate last evening will help address this epidemic by making tribal governments also eligible for grant funding for suicide prevention.

Avis Littlewind died just recently by her own hand. Her sister took her life 2 years ago. Her father took his life in a self-inflicted bullet wound 12 years ago. But it is more than that. The tragedy of suicides is not just a problem on the Spirit Lake Indian reservation—Just in North Dakota, I have gone on the same mission to talk to people at the Standing Rock Sioux Reservation when there was an epidemic of threats of suicide by young people.

In this case with Avis Littlewind, there were a lot of warning signs. This little seventh grade girl missed 90 days of school up until April. She was lying in her bed day after day in a near fetal position.

Tragically, she had an appointment to see the IHS social worker later the same day that she took her life. She did not live long enough to make that appointment.

When I called the reservation to talk to leaders about these issues and then subsequently went there to visit with them, this is what I discovered: The reservation has one psychologist and one social worker. They did not have nearly the capability to follow up with these cases. They just could not cope. They did not have the capability to give somebody a ride to the clinic. They have to borrow a car, beg somebody to give someone a ride to some medical help.

It is interesting to me, and tragic as well, that the Federal Government is directly responsible for the health care of only two groups of people. We have a trust responsibility for the health care of American Indians. That is a trust responsibility. That is not optional, that is our responsibility. And we have a responsibility for the health care of Federal prisoners.

Do you know that on a per capita basis we spend almost twice as much for health care for Federal prisoners as we do for health care for American Indians? So little girls like Avis Littlewind are found dead by suicide, and we don't have the mental health services to reach out and help these kids. The mental health services are not available. Just call around and ask.

There are kids who, for their own reasons, are desperate, are depressed, are reaching out, and yet the services are not available to them. We must do much better than that.

Let me describe the circumstances on our Indian reservations in this country because on many of them it looks as if you are visiting a Third World country. Alcoholism, seven times—not double, triple, quadruple—but seven times the rate of the national average; tuberculosis, seven times the rate of the national average; suicide, double the national average in this country; homicide, double; diabetes, four times. On the Fort Berthold Reservation, the rate of diabetes is 12 times the national average. We have to do much better. We have a responsibility.

I never met this young girl, but I met her classmates and they told me about her. She, like a lot of kids, was a wonderful young woman, but she lived in a circle of poverty in a family in which two other family members had taken their lives. Her cousin, incidentally, 2 weeks after Avis Littlewind's death, threatened suicide and had to be hospitalized.

But it is not just this family. It is an epidemic on our Indian reservations with young people. We need resources to deal with it. That is why I was so pleased last evening to hear the speech given by Senator SMITH, a speech that was obviously very difficult for him to give on the Senate floor. Then that was followed by legislation enacted by this Senate that will begin the long road to

do something about this problem, to save the lives of kids like Avis Littlewind. She may not long be remembered because she is just a statistic with respect to teen suicides on Indian reservations, but this young girl, I am sure, wanted the things that we want and that our children want—a good life, an opportunity. She wanted to have hope for the future. She is now lying in a grave, having taken her own life.

We bear some responsibility because the resources that were necessary, needed to help treat the depression that this young girl had, were simply not available. I met with the school administrators, the tribal council, all those folks. The fact is, it was clear to me no one took it upon themselves to reach out. If you have a young 14-year-old lying in bed for 90 days, not attending school, in desperate condition, something is wrong. Someone needs to intervene. Someone should have saved her life.

I am not blaming anybody today. I am just saying today there is hope. There was not before. Today there is hope. The Senate has taken action on a significant piece of legislation that I think will save lives. It is too late to save Avis Littlewind's life, but it will save other lives. Today I commend my colleague, Senator SMITH, whom I believe, through the pain and suffering that his family has experienced, has done something that will give others hope and offer life and opportunity to others.

I yield the floor.

THE PRESIDING OFFICER (Mrs. DOLE). The Senator from Utah.

MR. HATCH. Madam President, let me add to the Senator's remarks. I listened to my dear friend, my partner, GORDON SMITH, yesterday on the Senate floor, and I was very impressed, having seen what he and his family have gone through and what others have gone through. It meant so much to have him lead the fight for this particular bill.

I certainly appreciated the remarks of the distinguished Senator from North Dakota. There is no question, this is a serious problem for young people throughout our country—again, especially for those who are Native Americans. I believe the bill, sponsored by my dear friend from Oregon, and of course a number of the rest of us, will go a long way toward helping to resolve and alleviate some of these problems.

I compliment all concerned for their sensitivity and their desire to do what we can to alleviate these problems and to help our children throughout our country.

My home state of Utah has one of the highest suicide rates in the country, in fact, suicide rates in Utah for those 15 to 19 years of age have increased close to 150 percent over the last 20 years. In response to these disturbing statistics, I authored legislation in 2000 to direct the Secretary of Health and Human

Services to provide grants to states and other entities in order to create programs to reduce suicide deaths among children and adolescents. This legislation was included in the Children's Health Act of 2000 which was signed into law by the President.

Again, I am proud to be an original cosponsor of the Garrett Lee Smith Memorial Act and I credit its rapid passage through the Senate last night to one person—my dear friend, Senator GORDON SMITH.

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATING TO MARRIAGE

MR. HATCH. Madam President, I have been around here for 28 years. I have seen a lot of very important issues. I have seen a lot of phony arguments through the years. One of the phoniest arguments I have seen is, Why are you moving toward this constitutional amendment to preserve the traditional definition of marriage? We have so many other more important things to do. Why, we have the economy, we have the war—we can name thousands of things that are more important to some of the opponents of this measure than this particular measure. But I say I don't know of anything in our society or in our lives or in our country or in the world that is more important than preserving our traditional family definition.

I don't know of anything that is more important to children. I don't know of anything that is more important to morality. I don't know of anything that is more important to education. I don't know of anything that is more important to strengthen our country. I don't know of anything that is more important to the overall well-being of our citizens than the preservation of the traditional marriage definition that has been the rule for 5,000-plus years in this world; that is, marriage should be between a man and a woman.

Everybody in this body knows I have led the fight in three AIDS bills. I have been the primary sponsor of those bills along with Senator KENNEDY. Everybody knows that I have fought hard against hate crimes. One of the principal bills that lies before us is the Hatch-Smith-Kennedy-Feinstein bill against hate crimes, part of which are hate crimes against gay people. I do not believe in discrimination of any kind, and I do not believe that what some people have done to gay people in our society is relevant or right.

Some of it has been purely prejudicial. I don't believe that type of thinking should see the light of day.

But like my colleague from Oregon and others, I draw the line when it comes to traditional marriage and the definition of traditional marriage. So I rise in support of an amendment to our Constitution that would maintain the institution of marriage between a man

and a woman, an institutional arrangement that is to this date supported by all of our State legislatures, every State legislature in the country. The bedrock of American success is the family, and it is traditional marriage that undergirds the American family.

The disintegration of the family in this country correlates to the many serious social problems, including crime and poverty. We are seeing soaring divorce rates. We are seeing soaring out-of-wedlock birth rates that have resulted in far too many fatherless families. Weakening the legal status of marriage at this point will only exacerbate these problems, and we simply must act to strengthen the family. It is one of the most important things that we can consider and that we should do.

To me, the question comes down to whether we amend the Constitution or we let the Supreme Court do it for us. I know which is the more democratic option, and that is for us, as elected officials, to amend the Constitution. Questions that are as fundamental as the family should simply not be left to the courts to decide. If we permit ourselves to be ruled by judges, we further erode the citizenly responsibility that is central to our republican form of government.

Many in this body, in the ivory tower, often fret that Americans do not take politics seriously enough. Perhaps that is because we, through our inaction, routinely suggest to the electorate that the most important questions facing us as a political community should be decided by a handful of Harvard-educated lawyers, rather than by the people themselves. A free citizenry should not accept such a goal, and should not accept such thin gruel.

Our hope for this amendment is that it will maintain the traditional right of American people to set marriage policy for themselves.

We do not take this proposal lightly. The Constitution has functioned to secure and extend the rights of citizens in this Nation, and it serves as a beacon of hope for the world. Aside from the Bill of Rights, it has rarely been amended, but when it is, we have done so to expand the rights of democratic self-government and to resecure the Constitution's original meaning.

That is precisely what we are intending here. Marriage policy has traditionally been set by the States. The States have made their opinion on this subject clear. They have overwhelmingly acted in recent years to preserve traditional marriage.

Still, absent an amendment, we should have no faith that the courts will uphold these State decisions. Believe me, there are other ways we would rather spend our time. We did not choose this schedule—the courts did. But as public representatives, bound by the oath to defend the Constitution, we will not hide from our obligations.

Our case is simple. Last fall, in its *Goodridge v. Department of Public*

Health decision, the Supreme Judicial Court of Massachusetts declared same-sex marriage to be the policy of the Commonwealth of Massachusetts. Today, same-sex marriage couples live in 46 States, and activists are implementing a well-funded, multifaceted, and highly coordinated legal assault on traditional marriage.

Look at this. Not one legislature has voted to recognize same-sex unions. But in 1996, States with same-sex marriage couples, zero; in 2004, States with same-sex marriage couples, 46. That is what has happened as a result of this particular decision by the Massachusetts Supreme Judicial Court.

The inescapable conclusion is that absent an amendment to the Constitution, same-sex marriage is coming whether you like it or not.

Regardless of what the people think, regardless of what elected representatives think, it is going to be imposed on America because of one 4-to-3 version of an activist Massachusetts Supreme Court.

The opponents of this amendment urge us to remain patient. Our actions are premature, they tell us. Those opposed to protecting traditional marriage keep moving the goal line, and to ignore this strategy is to guarantee defeat.

Marriage first became a national issue in 1996. Then, as now, a State court threatened to impose same-sex marriage on citizens of their own State, and in so doing they jeopardized the traditional marriage laws of the entire Nation.

Given this scenario, it would have been flatly irresponsible for us not to act. So when faced with the potential of the Supreme Court of Hawaii dictating marriage policy for all 50 States, we passed the Defense of Marriage Act, or DOMA.

Then, as now, our opponents accused us of playing election year politics—the same phony argument they are accusing us of today, or in this particular matter. The opposition insisted there was no need for DOMA, the Defense of Marriage Act. In fact, Senator JOHN KERRY argued, and others with him, that it was not necessary since no State has adopted same-sex marriage. That was their argument. Eight years later, a bare majority of JOHN KERRY's own State's supreme court has brought same-sex marriage to the State and to the citizens of Massachusetts.

What is his position now? Sounding much as he did 8 years ago, he said, and I quote:

I oppose this election-year effort to amend the Constitution in an area that each State can adequately address, and I will vote against such an amendment if it comes to the Senate floor.

Keep in mind, the only thing that would permit each State to decide this issue on its own is DOMA, the Defense of Marriage Act. What was Senator KERRY's opinion on DOMA? I don't mean to just single him out; there are others on the other side who have

taken the same position. What was their opinion on DOMA? Senator KERRY called it "fundamentally unconstitutional." In fact, that was the opinion of much of the Democratic Party and our academic legal establishment at the time.

Let me refer you to this chart. But isn't DOMA unconstitutional? Senator KERRY said: You don't have to worry about it because we have the Defense of Marriage Act.

This is what he said on September 3, 1996:

DOMA does violence to the spirit and letter of the Constitution.

Senator KENNEDY, our other distinguished Senator from Massachusetts, in his remarks on the Senate floor on September 10, 1996, said:

Scholarly opinion is clear. DOMA is plainly unconstitutional.

Professor Laurence Tribe, Harvard Law School professor, in a letter submitted for the RECORD in Senate proceedings, said on June 6, 1996:

My conclusion is unequivocal. Congress possess no power under any provision of the Constitution to legislate as it does in DOMA any such categorical exemption from the Full Faith and Credit Clause of article IV.

The ACLU, in a background briefing in February of 1996, says:

DOMA is bad constitutional law . . . an unmistakable violation of the Constitution.

Think about that.

So let me get this straight. We do not need DOMA, was the argument because no State has actually pursued same-sex marriage.

That is what Senator KERRY said against DOMA when he argued against it back then. But now that Massachusetts has, we do not need an amendment because we fortunately have DOMA. How convenient. Except for the fact they are all arguing that DOMA is unconstitutional. It just doesn't seem to fit.

I have seen these ads on Senator KERRY flip-flopping. We all know that around here. That is what he does. But this is the grand flip-flop, one of the grandest of all times. A person's head starts to spin just trying to undo this logical mess.

But in the end, that is the point. They hope to confuse and to obfuscate and cast aspersions, and, by so doing, maybe succeed in lulling citizens into apathy on this subject.

Fortunately, this issue is actually rather simple for those who approach it with any sincerity. There are, in fact, only two questions that Senators must answer before voting on this amendment; that is, if the filibuster will be ended and we are able to proceed to the constitutional amendment and debate it.

The first thing is whether they support traditional marriage. Bulletproof majorities in this body do. No question about that. The American people do, as well.

The second is whether the majority's desire to protect traditional marriage

can be guaranteed without a constitutional amendment.

The assertion this was a State issue, that the States can protect marriage, neglects the likelihood that the courts will overturn the well-considered opinion of citizens in every State. Skeptics and opponents of this constitutional amendment claim, sometimes relying on traditional Republican and conservative principles of federalism and limited government, that this is not the time nor the place for the National Government to act.

We must be clear. The States have already acted. Since marriage first became an issue in 1996, over 40 States—look at this—over 40 States have acted explicitly to shore up their traditional marriage laws—40 States. What a national consensus? States where legislatures have approved same-sex marriage, zero; not one State legislature, that is. The people's representatives, the ones who have to stand for reelection, not one State. States where legislators and citizens have recently acted to protect traditional marriage, 40 States.

But all of this legislation has been in danger by the Massachusetts court's actions this past fall and by recent decisions by the U.S. Supreme Court. The courts, in an elite legal culture out of touch with average Americans, have made this a national issue. It can no longer be adequately resolved by the States. More and more coordinated lawsuits are being filed every day, and the question of same-sex marriage will terminate in Federal courts at which point same-sex marriage will become the law of the land, in spite of the desires of the elected representatives throughout at least 40 States, and I believe other States would follow suit in time to preserve traditional marriage.

Let me say this slowly so it can sink in. Absent a constitutional amendment that protects the rights of the States to maintain their traditional understanding of marriage, the Supreme Court will decide this issue for them.

The Massachusetts Supreme Judicial Court commanded, in a fit of hubris, that the State must extend marriage to same-sex couples. Never mind that the Massachusetts Constitution created by the hand of John Adams himself clearly did not contemplate this conclusion. Never mind there is an obvious national basis for the States' traditional marriage laws and never mind the people in the Bay State were adamantly opposed to this judicial usurpation of policy development best left to legislative judgment. No, they went right ahead and issued a decision that certainly made them the toast of the town on the cocktail party and academic lecture circuit, but they put their personal self-satisfaction ahead of their judicial responsibilities. By doing so, they knowingly threatened the marriage laws in every State in our country.

The people of Massachusetts acted quickly to amend their constitution

and overturn this egregious abuse of judicial authority. The problem is that amendment will not be ratified for at least 2 years—a fact, by the way, of which the Massachusetts Supreme Court was keenly aware. In the meantime, people will be married in Massachusetts and they will move to other States. What will become of these same-sex marriages? Will they be recognized? Will they be dissolved? Can these people get divorces in other States? Who will have custody of the children in the event of disillusion? Already, as a result of the lawless issuing of marriage licenses to same-sex couples by the mayor of San Francisco, same-sex marriage couples live in 46 States now. Together, these actions have stirred up a hornet's nest of litigation.

When allowed to choose, legislatures protect marriage rather than dismantle it; therefore, advocates of same-sex marriage resort to strategies involving the executive or judicial branches. In States such as California, Oregon, New York, and New Mexico, rogue local officials have simply defied their own State marriage laws and married thousands of same-sex couples. While saying that New York law does not allow same-sex marriages, State attorney general Elliot Spitzer will nonetheless recognize such marriages performed in other States. That is his opinion. These actions have an impact on the legal landscape for sure, but in most cases advocates turn to the courts to impose their preferred policies on fellow citizens. Their legal war against traditional marriage has at least five fronts.

Remember article IV of the Constitution, full faith and credit clause. Most authorities believe the Massachusetts Supreme Court will be binding on every other State in the Union, not that they will have to allow same-sex marriages themselves in defiance of traditional marriage beliefs, but they will have to recognize the marriages that are performed in Massachusetts that come to their States under the full faith and credit clause. Most constitutional authorities agree with that, and it is believed that the U.S. Supreme Court will uphold that and thus rule DOMA, or the Defense of Marriage Act, unconstitutional.

There are five legal fronts of attack on the Defense of Marriage Act or traditional marriage. First, as in Massachusetts, gay citizens who wish to marry allege that State laws protecting traditional marriage are violations of their own State constitutions. So far, there are 11 States facing these challenges to their marriage laws.

This week, the ACLU filed suit in Maryland arguing that the State's failure to recognize same-sex unions violates the State's constitution.

In California, even though more than 60 percent of the voters recently approved a statewide ballot initiative to maintain traditional marriage, the California Supreme Court is now con-

sidering the constitutionality of that democratic action.

In Nebraska, the ACLU has actually challenged a duly passed State constitutional amendment that defines marriage as being between a man and a woman. Similar challenges are pending in Florida, Indiana, Washington, and West Virginia, all of which have passed laws to secure traditional marriage just in the last 10 years as a result of this focused consideration of the subject by citizens of those States.

The legislatures in Delaware, Illinois, Michigan, North Carolina, and Vermont are considering actual amendments to protect traditional marriage. Montana, North Dakota, Ohio, and Oregon have signature-gathering campaigns underway. Amendments are already on the ballot in Arkansas, Georgia, Kentucky, Michigan, Mississippi, Missouri, Oklahoma, and my own home State of Utah.

One would expect and hope that given this public concentration on the subject, a proper respect would be given to a popular resolution of this issue. We can be sure, though, that the legal advocates of same-sex marriage will not display any such reservations.

The second case against traditional marriage will emerge once two citizens legally married in Massachusetts move to Ohio, Louisiana, or some other State and seek to have their marriage recognized. It is simply implausible to deny that this scenario will unfold. Already a suit has been filed in Washington State requesting that Washington recognize same-sex marriages performed in Oregon under a now halted order issued by a rogue county chairman even though Washington law expressly precludes such unions.

The third and fourth cases also specifically involve challenges to the Defense of Marriage Act now passed by 40 States and I believe will ultimately be passed by all 50 States.

One of the standard crutches of those opposed to an amendment is that DOMA, the Defense of Marriage Act, remains the law of the land. In the hearing before the Judiciary Committee several weeks ago, Senator DURBIN said that DOMA has "never been challenged in court." This is simply untrue. DOMA has been challenged for violating the U.S. Constitution. It is being challenged right now.

The Defense of Marriage Act did two things. For the purposes of Federal benefits, such as Social Security, it reserved the definition of marriage to traditional unions, and, most importantly, it gave a blanket exception to the full faith and credit laws for marriage policy.

As it is now, the Constitution requires that, barring a rational public policy to the contrary, my marriage in Utah must be recognized in Virginia. DOMA ensures that States would not be compelled under the Constitution to recognize same-sex marriages performed in other States. The first prong of DOMA is being challenged in a Fed-

eral court. There is no doubt that a suit will eventually be filed challenging the constitutionality of DOMA's exception to the full faith and credit clause.

Fifth, State laws protecting traditional marriage will be challenged as violating the Federal Constitution. That the U.S. Constitution protects no such right will hardly be an obstacle to these suits. The death penalty is explicitly provided for in the fifth amendment, but that does not stop liberal interest groups from attempting to undo this through judicial action. They cannot get these matters through the elected representatives, so they always try to get these activist court judges to do their bidding for them and to enact legislation from the bench that they could never get through the elected representatives of the people. This is a perfect illustration.

The first amendment was obviously intended to guarantee political speech, but that does not stop the ACLU from getting nude dancing declared a constitutional right. Nothing in the Constitution guarantees a right to an abortion, but, through a creative analysis of the text, the Court was persuaded to create a right to privacy extended in recent years to include "the right to define one's own concept of existence of the universe, and of the mystery of human life."

These cases will inevitably wind up in Federal court. We cannot wash our hands of the implications of this issue's likely judicial resolution. As a Senator, my oath obligated me to protect the Constitution. That includes protecting it from corruption at the hands of the judiciary. These corruptions have become commonplace, and they are extremely difficult to undo once secured.

We have tried in the past, when constitutional meaning was violated in the moment-of-silence cases, in abortion rights cases, in religious liberty cases, in flag burning cases—all judicial activists' decisions—we attempted to undo these decisions and to restore the original Constitution. We have never been successful in succeeding along those lines. If this becomes the law of the land by judicial fiat of 4-to-3 verdict in the Massachusetts Supreme Court and because the full faith and credit clause will impose it on every other State in the Union, then we will have had the judges legislate for all of America against every State's law that we now must do away with traditional marriage or at least allow this new form of marriage.

Now, there is a constitutional responsibility, I would suggest to my colleagues in the Senate. In fact, once these decisions are in place, the very people who tell us to wait for the courts to decide abdicate their stewardship of the Constitution. It is a phony argument to say wait until the courts decide. I think it is all too clear that if we rely on that, we are going to have the courts tell Americans what

they must believe on this matter, and that is in contradiction to all of the elected representatives' rights to determine these types of issues.

As an example, consider the response of some Democratic lawmakers to the Supreme Court's rulings on abortion. In a recent letter to Roman Catholic Cardinal Theodore McCarrick of Washington, DC, 48 Catholic Members of the House of Representatives explained that:

[W]e live in a nation of laws and the Supreme Court has declared that our Constitution provides women with a right to an abortion. Members who vote for legislation consistent with that mandate are not acting contrary to our positions as faithful members of the Catholic Church.

Now, regardless of the beliefs of the Catholic Church, or even the merits of the arguments for or against abortion, this is a monumentally irresponsible attitude. These legislators, charged with protecting the Constitution, argue that they must vote against legislation that curtails abortion because the Supreme Court obligates them to. In other words, the Constitution, apparently, is what the Supreme Court says it is to these people.

Well, I think the Supreme Court has gotten it wrong on a number of occasions. But on this particular issue, when the Supreme Court rules that DOMA is unconstitutional, that will be one of the most monumentally wrongful decisions in the history of this country.

Now, with all due respect, these arguments that these Members of the House raised on the issue of abortion are absurd. Abraham Lincoln, the founder of my political party, understood this. When Chief Justice Roger Taney handed down his infamous Dred Scott decision, Lincoln did not defer to the Court. He did not accept its decision as a proper interpretation of the Constitution. He rejected it root and branch, and explained that:

[T]he candid citizen must confess that if the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court . . . the people will have ceased to be their own rulers.

That was Lincoln speaking, and we ought to follow that type of logic and that type of reasoning, that type of truth. We cannot just sit by and let the courts rule our country. That is not their job. Their job is to interpret the laws that we make as people who have to stand for reelection. We passed a law that is now approved by 40 States, and I believe will be approved by the other 10 States given time.

Now, this popular constitutional responsibility is a bipartisan affair. When Franklin Roosevelt's New Deal was repeatedly stymied by the Supreme Court, he did not throw up his hands and explain that the Depression would have to continue because the Supreme Court did not allow him to regulate the economy. Of course, he did not. Rather, he continued to push his policies and explained to the American people why

the Court's interpretation of the Constitution was wrong.

The Members of this body have a sacred trust as constitutional officials, and we must take seriously the results of our inaction. If we fail to pass an amendment, and we delegate our authority over this matter to the Supreme Court of the United States, the decision will come as no surprise. On this point, the Justices have made themselves amply clear. There is no reason to believe that State marriage laws protecting traditional marriage will be allowed to stand.

In the Lawrence decision handed down just last year, the Supreme Court announced its intentions by effectively overturning *Bowers v. Hardwick*. *Bowers* was hardly an antique. It was decided only in 1986, and it basically put the brakes on 20 years of judicially created privacy rights. That decision concluded that the States remained able to regulate certain sexual practices in order to protect the health, safety, and morals within its political community.

But in Lawrence the court reversed course. There, the Court concluded that:

Liberty presumes an autonomy of self that includes freedom of thought, belief, expression, and certain intimate conduct, and therefore, our laws and tradition afford constitutional protection to personal decisions relating to marriage, procreation, contraception, family relationships, child rearing, and education.

Now, according to the Court, in Lawrence, these are fundamental rights, and the States must, therefore, advance a compelling reason for any legislation that denies them. Unfortunately, in *Romer v. Evans*, the Court has previously held that any such legislation could only be based on an "irrational animus" toward homosexuals.

So what, then, of same-sex marriage, which denies to homosexuals the privilege of marrying? In his dissent in Lawrence, Justice Scalia understood that:

State laws against . . . same-sex marriage . . . are likewise sustainable only in light of *Bowers'* validation of laws based on moral choices. Every single one of these laws is called into question by today's decision; the Court makes no effort to cabin the scope of its decision to exclude them from its holding.

Those who favored the decision at the time said it did no such thing. Privately, however, they understood exactly what it meant. And the judges in the Goodridge case were quick studies. In the decision to rewrite the Massachusetts Constitution to compel same-sex marriage, the Goodridge court relied heavily on these rulings. Their conclusions that marriage is a fundamental right and that the decision to restrict that right is patently irrational were taken straight out of the U.S. Supreme Court playbook. Goodridge has shown us the way. DOMA, the Defense of Marriage Act, will not stand, and absent DOMA, the States will have to defend their marriage laws on their own. Their success, of course, is in serious doubt.

I do not subscribe to the conclusions of the courts. There is an obviously rational basis for legislation that protects traditional marriage. Only a discriminatory animus against people who hold any religious beliefs at all could lead someone to conclude otherwise. For a simple and compelling reason, traditional marriage has been a civilizational anchor for thousands of years. Society has an interest in the future generations created by men and women.

Decoupling procreation from marriage in order to make some people feel more accepted denies the very purpose of marriage itself. Marriages between men and women are the essential institutions to which future generations are produced and reared. Political communities are only as solid as their foundation, and these families and homes, the first schoolyards of citizenship, are essential for the future of republican government.

The fact that so many in the Democratic Party are openly opposed to same-sex marriage should undercut the conclusion that the desire to maintain traditional marriage is grounded simply in rank bigotry.

Let me refer to this chart again. These are leading Democrats who have spoken out on same-sex marriage. The first one is Senator KERRY:

I believe marriage is between a man and a woman. I oppose gay marriage and disagree with the Massachusetts Court's decision.

I don't think it could be any more clear.

Senator DASCHLE:

The word "marriage" means only a legal union between one man and one woman as a husband and wife.

How about Representative RICHARD GEPHARDT:

I do not support gay marriage.

Or how about Governor Bill Richardson of New Mexico:

I do believe that marriage is between a man and woman. So I oppose same-sex marriage.

Or how about former President Bill Clinton:

I have long opposed governmental recognition of same-gender marriages.

Or how about former Vice President Al Gore:

I favor protecting the institution of marriage as it has been understood between a man and a woman.

These are leading Democrats, who I personally respect in many ways, who have come out against this very dramatic change in traditional marriage that is occurring in our society today.

I have to say that I think JOHN KERRY was right in making that statement at the time. I think TOM DASCHLE was right. I think RICHARD GEPHARDT was right. I think Governor Bill Richardson was right. President Bill Clinton was right, and Vice President Al Gore was right when he said that. These Democrats are merely responding to a certain common sense articulated by the American people, and that

common sense has expressed itself in legislative actions in nearly every State.

The Supreme Court of the United States, in order to defend itself against the accusation that it is determining constitutional meaning from their morning reading of the New York Times, has taken to defending only those rights supported by a developing national consensus. In this case, there is a developing national consensus on the issue of same-sex marriage, but it is developing in the other direction.

State after State has acted to protect this vital institution of traditional marriage. Still it would be a fool's wager to rely on the Supreme Court to affirm this consensus of all the people out there. When California acted through the superdemocratic process of a Statewide referendum to protect traditional marriage, that did not stop the liberal mayor of San Francisco from defying this law and instituting his own preferred policy preference instead. When it comes to a liberal agenda at odds with the beliefs of average Americans, legal impediments or even simple respect for these popular decisions do not long stand in the way.

It is important to mention another effect of abandoning our definition of marriage. We have vast numbers of institutions and individuals in our society who will be stigmatized and marginalized by courts trying to enforce a new moral norm. A group of notable legal scholars in Massachusetts, including Mary Ann Glendon, warned about the danger to religious institutions in this country in a recent legal opinion.

They said:

Precedent from our own history and that of other nations suggests that religious institutions could even be at risk of losing tax exempt status, academic accreditation, and media licenses, and could face charges of violating human rights codes or hate speech laws.

Is this the road we want to go down? Gays and lesbians have a right to live as they choose. I would be the first to say that. But I am sorry, they do not have the right to define marriage and to redefine it away from the concepts of traditional marriage that have been in existence for over 5,000 years. I have been a leader in advocating hate crimes legislation against gays and lesbians. I know prejudice remains against gay and lesbian citizens. I reject each and every substantiation of it. But this amendment is not about discrimination. It is not about prejudice. It is about safeguarding the best environment for our children.

African-American and Hispanic leaders, Catholics and Jews, Democrats and Republicans, people from every State, religion, and every walk of life support traditional marriage as the ideal for this very same reason. I do not doubt alternative families can lovingly raise children, but decades of study show children do best when raised by a father and a mother.

My own faith, which has been badly maligned through the years—and I have personally been badly maligned, even by some who should be allies—only yesterday or within this week had this to say. It was issued on July 7:

The First Presidency of the Church of Jesus Christ of Latter-day Saints issued the follow statement today. This is a statement of principle in anticipation of the expected debate over same gender marriage. It is not an endorsement of any specific amendment.

The Church of Jesus Christ of Latter-day Saints favors a constitutional amendment preserving marriage as the lawful union of a man and a woman.

I have no doubt my faith and so many others would prefer and recognize the need of a constitutional amendment to resolve this problem. It is the right way to do it. For us to ignore it means we are abandoning our responsibilities. Given the acknowledged importance of this institution, popular reservations about undoing it should be given the utmost importance. Same-sex marriage is an unproven experiment, though other nations have had some experience with it.

The Netherlands has recognized same-sex unions since 2001 and registered partnerships since 1998. Since those reforms began, there has been a marked decline in marriage culture. Just yesterday, in a letter published in a Dutch newspaper, a group of respected academics from the fields of social science, philosophy and law made a modest assertion. The decision to recognize same-sex marriage depended on the creation of a social and legal separation between the ideas of marriage and parenting. And in that time, there has been, in their words, a spectacular rise in the number of illegitimate births. These scholars do not argue that this rise is solely attributable to the decision to recognize same-sex partnerships. But the correlation is undeniable. They conclude that further research is needed to establish the relative importance of all the factors.

Precisely! The jury is out on what the effects on children and society will be and only legislatures are institutionally-equipped to make these decisions. If nothing else, given the uncertainty of a radical change in a fundamental institution like marriage, popular representatives should be given deference on this issue. However, recent actions by courts prove that no such deference is being given.

This is why we need an amendment. Without an amendment to the Constitution, same-sex marriage will be imposed by judges on an American people who would not choose this institution for themselves.

Here is the language of the amendment. It contains two simple sentences:

Marriage in the United States shall consist only of the union of a man and a woman.

The second sentence:

Neither this Constitution, nor the constitution of any State, shall be construed to

require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

The amendment does nothing more than preserve perhaps the most fundamental relationship in society. The amendment does not violate the principles of Federalism and limited government.

Among other things the Constitution guaranteed to the people a right to govern themselves; in most instances, through their State governments. The Constitution protected traditional State prerogatives over subjects such as marriage and family policy. And should those be in danger, the Constitution guaranteed to the people a right to resecure these prerogatives through the amendment process. This is precisely the situation we face here.

The States have acted on this issue time and time again. They have rejected same-sex marriage. Yet we face legal advocates and a judicial system that care little for these judgments and that are ready and willing to substitute their own judgments for the common sense of the American citizenry.

In the end, the only argument against this amendment is that the Supreme Court is the sole institution that determines the meaning of our Constitution. I reject that conclusion. It grossly misstates the history of this Nation. The Alien and Sedition Acts were repealed through legislative actions, not through the courts.

The Civil War amendments that guaranteed citizenship and the right to vote to black citizens came through Congress and the state legislatures. The New Deal protected Americans in a time of need. The 1964 Civil Rights Act promoted the rights of racial minorities.

President Ronald Reagan readjusted the New Deal settlement, protecting the rights of small business owners and encouraging property ownership and innovation. And in recent years this body has acted to protect the rights of female victims of violence, the victims of hate crimes, and the rights of disabled citizens.

The popular branches of Government, not the courts, are the primary guarantors of our rights. As Senators, we are obligated to interpret the Constitution, and in this case we are not denying rights to same-sex couples, but protecting and extending the right of citizens to govern themselves and to determine marriage policy on their own, and to preserve traditional marriage.

To delay action on the marriage amendment now is like agreeing to repair a cracked dam only after it has burst and forever changed the landscape. We know what the legal situation is on this issue and we know what we have to do to repair it. A Constitutional amendment is the only viable alternative to protect this most foundational relationship in society. We must act, and we must act now.

We need to send a message to our children about marriage and traditional life and values. The American

people must have a voice. The people, through their elected representatives—not judges—should decide the future of marriage.

Montana, Louisiana, West Virginia, Colorado, Washington, Maine, North Dakota, Ohio, New Hampshire, Nebraska, South Carolina, Arkansas, Alaska, Pennsylvania.

All of these states and many others have made independent determinations to protect same-sex marriage. Without an amendment to the Constitution, all that work will be for naught. They have made those independent determinations to protect traditional marriage, not same-sex marriage. I respectfully ask my colleagues to do the right thing here and to guarantee that the right to self-government on important issues such as this remains with the people rather than in the courts.

This is an important issue. Anybody who argues this issue isn't as important as anything that can possibly come before this body fails to recognize that traditional marriage and the rights of families and children are the most important elements of our societal function and we need to protect them. We need to do it now and not wait until 2 or 3 years from now when all this becomes mush and nothing will be able to be done, such as on other bills that have occurred through the years.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I understand we will be going back and forth. I wondered, because I have a time schedule, if I might ask unanimous consent that after the Senator from Vermont speaks—might I ask how long he plans to speak?

Mr. LEAHY. I can't imagine I will speak much more than probably 10, 15 minutes at most.

Mr. BOND. Might I ask that I be recognized for 5 minutes and then the previous order, which was for the Senator from Texas and the Senator from Alabama to be recognized.

The PRESIDING OFFICER. There is no such order in effect.

Mr. BOND. I ask unanimous consent to make such a request.

Mr. LEAHY. Following me.

Mr. BOND. Following the Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 2636 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

FEDERAL BUDGET RESOLUTION

Mr. LEAHY. Madam President, there is another important issue we have before the Senate. We don't yet have a Federal budget resolution, even though we were supposed to have done that this spring.

It is July. We have considered only one appropriations bill, and that has not been resolved with the House. We have not yet even considered the other 12 appropriations bills, including the Homeland Security appropriations bill. These are usually considered must-pass legislation, whether there is a Republican-controlled Congress or a Democratic-controlled Congress. Instead of passing these bills, however, we sit around not doing any work on the things that we absolutely need to do. We are working on political matters. The divisive constitutional amendment to federalize marriage is an example of that.

For 215 years, we have left it up to States to define marriage. All of a sudden, are we going to tell them they do not know what they are doing? Are we going to take over the marriage issue from the States and define it for them? Are we going to treat this as a matter of urgency, that we must proceed to immediately while setting aside homeland security and the budget?

Heck, the Senate Judiciary Committee, which held a few hearings on this issue, has not even considered the language of this Federal Marriage Amendment. We have not even voted on it in the Republican-controlled Judiciary Committee. The fact that the Committee has been bypassed, and the FMA brought immediately to the Senate floor, is an unmistakable sign that political expediency—and haste in the furtherance of political expediency—is why it is here.

Political expediency, whatever it takes, seems to be the leadership's guidepost, not the pressing needs of the country for homeland security funding or a budget. I am afraid that the paramount thing for the Republican leaders in this body at the moment are such divisive matters as federalizing marriage law by constitutional amendment. I remember the days when the Republican Party would say we are going to keep the Federal Government out of the doings of the States. Well, now we seem not only to politicize judicial nominations, making independent judges a wing of the Republican Party, but to politicize the Constitution itself.

I think it is wrong. I think it is corrosive to seek partisan advantage at the expense of the independent Federal judiciary or our national charter, the Constitution. Maybe we should have a corollary to the Thurmond rule, which is that in Presidential elections, after the Fourth of July we do not consider judicial nominations, except by unanimous consent. Maybe we should have something called the "Durbin rule."

The senior Senator from Illinois observed that we should prohibit consideration of constitutional amendments within 6 months of a Presidential election. I think he is right in pointing out that the Constitution is too important to be made a bulletin board for campaign sloganeering. Somehow we should find a way to restrain the impulse of some to politicize the Con-

stitution. I think we have 50 or 60 proposed constitutional amendments before the Congress right now.

While we are doing this political posturing, let us talk about what we might have been doing. I will take one issue, homeland security. This week, we received further warnings from the Republican administration about impending terrorist attacks. So what are we doing in the Senate to respond to those attacks? Why, we are going to launch a debate over gay marriage.

The Homeland Security appropriations bill is stalled, but notwithstanding the warnings by the administration that there are impending terrorist attacks, first and foremost the Senate has to have a constitutional amendment banning gay marriage. We cannot take time to bring up the Homeland Security bill, something that will probably pass in a day and a half.

If the American people are uneasy about their security during the summer traveling season, that may be because of the conflicting signals they are receiving from the Government. At least this time it was Secretary Ridge and not the Attorney General who appeared on our Nation's television screens to warn of an impending al-Qaida attack. We may remember a few weeks ago, when the Attorney General made dire warnings the same day that Secretary Ridge, the Secretary of Homeland Security, told Americans to go out and have some fun this summer. The American people must wonder what is going on. They must find it hard to believe what is going on in this Senate, how we are using our time now.

I believe Congress should get on with providing the funding needed to address our security vulnerabilities, even at the cost of forsaking some of the President's tax cuts or a fruitless debate on marriage.

We have heard the administration say we are in dire danger. We have given them everything they have wanted: the Homeland Security Department; we have gone deep into debt; we have actually threatened the Social Security fund by our huge deficits to give hundreds of billions of dollars on the fight against terrorism.

It appears we simply cannot meet our needs with the resources we have available. But what do we do? Do we address this in the Senate, the greatest deliberative body on Earth? Heck, no. We are going to talk about gay marriages.

Of course, the Republican Leadership has a history of not getting too concerned about the substance of homeland security issues. The issue of homeland security has been politicized from the start, and even the creation of the Department of Homeland Security is a case study on the political partisanship of my friends in the Republican Party. We may recall that at first they resisted strongly the idea of having a Department of Homeland Security especially the President himself.

Then we heard the partisan attacks from many Republicans on the 9/11 Commission, which the administration allowed to go forward in the first place only after great resistance.

I hope and pray we can return to a time as we used to do, and as it was when I came to the Senate, when security issues were not used for partisan effect or political benefit. Given the track record of this administration for secrecy, unilateralism, overreaching, and abject partisanship, however, I certainly understand why many question their assertions. An administration that can hide legal memoranda justifying torture and then, when forced to acknowledge them, disavow them, does not earn our trust. An administration that reports that terrorism had decreased last year and then, when questioned, had to admit that it was wrong and reissue the report has basic credibility problems.

So I wish we would turn away from these divisive legislative maneuvers and work together on the Nation's agenda. The senior member of the Senate, Senator BYRD, said it all better than I can. He spoke yesterday afternoon about the need to get about our business and the Nation's business. Senator BYRD offered wise counsel to the Republican leadership. I wish it had been listened to.

Roll Call reported earlier this week that this week's activities amount to a showdown prompted by the Republicans' desire for a wedge issue they can use with undecided voters in November. That is a shame and a sham. When we should be considering measures to strengthen homeland security, Republican partisans are focused on devising wedge issues for partisan political purposes. Well, that is wrong. I urge the Republican administration and the Republican leaders in the House and the Senate to come back to the work of Congress, not the work of political partisans. Let us complete our work for the American people.

The Senate does not have to be a battlefield for the Presidential campaign. There is plenty of time for that. In fact, I wonder if we are not setting ourselves up for people to say during the election season that the Republican-controlled Congress did not do the work of the people. Let us get on with doing it. One of the first things we can do is take the stalled Homeland Security appropriations bill and actually vote on it.

If the hundreds of billions of dollars we have spent so far have not made us safe, then let us debate that and find what will.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

REPORT OF SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Madam President, I am very pleased to announce that today, about 90 minutes ago, the report of the

Select Committee on Intelligence on the pre-Iraq war has finally been released. We were bound not to talk about it until it was released at 10:30 today. Our staff has done an excellent job reviewing 15,000 documents and 200 witnesses, going back time and again to get the facts straight.

We came up with the unanimous conclusions that I think this body and our friends around the country, including the media, ought to pay attention to what is actually in that report. Some of my colleagues spent yesterday talking about the report and putting their spin on it.

I have been very distressed that the spin had nothing to do with the facts that are actually in the report. It is a lengthy report. For the benefit of my colleagues who have not been on the Intelligence Committee, let me tell you a couple of things that were in the report.

First, the intelligence used by the President, the Vice President, the chairman, and ranking member of the Intelligence Committee, the chairman and ranking member of the Armed Services Committee, along with the rest of us, was the intelligence given to them by the CIA. This was intelligence given to them through three administrations. On the basis of that, on the floor the statement was made on September 19, 2002:

We begin with the common belief that Saddam Hussein is a tyrant and a threat to the peace and stability of the region. He has ignored the mandate of the United Nations and is building weapons of mass destruction and the means of delivering them.

Senator LEVIN stated that.

On October 10, 2002:

There is unmistakable evidence that Saddam Hussein is working aggressively to develop nuclear weapons and will likely have nuclear weapons within the next 5 years. We also should remember we have always underestimated the progress Saddam has made in the development of weapons of mass destruction.

Senator JAY ROCKEFELLER stated that.

These were conclusions that came from the best intelligence we had available, that other intelligence agencies had available. Actually, if you look at it, Iraqi Survey Group leader David Kay, when he came back to the United States, said we know that Iraq was a far more dangerous place, even than we had learned from our intelligence because of other things that were going on that were not fully reported.

We identified problems in this report. There was no human intelligence, which you absolutely need. There was faulty analysis in sharing of information among the various agencies. Some analysts did not fully qualify the information that was not confirmed.

But despite the breathless headlines, despite the political charges that are being made on the other side of the aisle, no one was pressured to change judgments or reach specific judgments. In fact, the committee interviewed

over 200 people, searching, searching, and searching for those who might be pressured.

Chairman ROBERTS asked repeatedly, publicly and in hearings, that anybody who had information on pressure to change conclusions, come forward. Nobody did. They chased rabbits all through every brush pile that could be imagined. Anybody who had an idea of pressure was challenged. Do you know what they found? There was tremendous pressure on the analysts because they had not put together the right information prior to 9/11. They felt pressure, but they all said it was pressure to get it right. They said it is the job of the intelligence community to respond to the most searching questions of the people, the policymakers who use it.

Let me cite three conclusions from the report, which I think are very important on intelligence. From page 284: conclusion 83:

The committee did not find any evidence that administration officials attempted to coerce, influence, or pressure analysts to change their judgments related to Iraq's weapons of mass destruction capabilities.

Page 285, conclusion 84:

The committee found no evidence that the Vice President's visits to the Central Intelligence Agency were attempts to pressure analysts, were perceived as intended to pressure analysts by those who participated in the briefings of Iraq's weapons of mass destruction programs, or did pressure analysts to change their assessments.

On page 359, conclusion 102:

The committee found that none of the analysts or other people interviewed by the committee said they were pressured to change their conclusions related to Iraq's links to terrorism. After 9/11, analysts were under tremendous pressure to make correct assessments to avoid missing a credible threat and to avoid an intelligence failure.

These are the findings upon which we unanimously agreed. I think the Vice President and others who have been politically maligned are entitled to an apology.

Do you know what this all comes back to? This comes back to a plan that we learned about on November 6, 2003. I have in my mind a FOX News report on this memo from a Democratic staffer. Nobody has denied it. In fact, they are playing their plays out of that game book now.

It talks about:

No. 1: Pull the majority along as far as we can on issues that may lead to major new disclosures. . . .

No. 2: Assiduously prepare Democratic "additional views" to attach to any interim or final reports. . . .

No. 3: We will identify the most exaggerated claims and contrast them with the intelligence estimates that have since been declassified. Our additional views will also, among other things, castigate the majority for seeking to limit the scope of the inquiry.

That is exactly what the game plan is that they are following. When you look at the conclusion, the summary of that memo, it says:

Intelligence issues are clearly secondary to the public's concern regarding the insurgency in Iraq. Yet, we have an important

role to play in revealing the misleading—if not flagrantly dishonest methods and motives—of senior administration officials who made the case for a unilateral, preemptive war. The approach outlined above seems to offer the best prospects for exposing the administration's dubious motives and methods.

I ask unanimous consent that be printed in the RECORD following my statement.

The PRESIDING OFFICER (Mr. HATCH). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOND. To sum it up, we are at war with terrorists. The terrorists were in Iraq. They had access to the weapons of mass destruction that Saddam Hussein had produced in the past and were willing to produce in the future. We have received increased briefings on recent threats in the United States. The greatest danger we fear is that Saddam Hussein, had we not taken him out, would be supplying those terrorists with chemical and biological weapons.

Our troops remain under fire, but some on this floor and some commentators I have heard seem to be more interested in politicizing the problems in the Intelligence Committee rather than getting at the root of the problem. I hope we can put these partisan charges aside because there is much work to do to improve the gathering, the analysis, and the dissemination of intelligence. For the good of this country, we need to put behind us this partisan effort to fingerpoint and make accusations that have been explicitly disabused and disavowed by this intelligence report.

I commend the staff of the Intelligence Committee. I thank the many thousands of dedicated people in the intelligence community who are doing their best, under difficult circumstances, to get information under systems that were not adequate for the needs at the time. We need to build a system where we get human intelligence, where we analyze it better, and where we share it among agencies that we have not done adequately in the past.

I thank my colleagues from Texas and Alabama for their courtesy.

EXHIBIT 1

RAW DATA: DEM MEMO ON IRAQ INTEL

[From FOX News, Nov. 6, 2003]

We have carefully reviewed our options under the rules and believe we have identified the best approach. Our plan is as follows:

(1) Pull the majority along as far as we can on issues that may lead to major new disclosures regarding improper or questionable conduct by administration officials. We are having some success in that regard. For example, in addition to the president's State of the Union speech, the chairman has agreed to look at the activities of the Office of the Secretary of Defense as well as Secretary Bolton's office at the State Department. The fact that the chairman supports our investigations into these offices and co-signs our requests for information is helpful and potentially crucial. We don't know what we will find but our prospects for getting the access we seek is far greater when we have the

backing of the majority. (Note: we can verbally mention some of the intriguing leads we are pursuing.)

(2) Assiduously prepare Democratic "additional views" to attach to any interim or final reports the committee may release. Committee rules provide this opportunity and we intend to take full advantage of it. In that regard, we have already compiled all the public statements on Iraq made by senior administration officials. We will identify the most exaggerated claims and contrast them with the intelligence estimates that have since been declassified. Our additional views will also, among other things, castigate the majority for seeking to limit the scope of the inquiry. The Democrats will then be in a strong position to reopen the question of establishing an independent commission (i.e. the Corzine amendment).

(3) Prepare to launch an independent investigation when it becomes clear we have exhausted the opportunity to usefully collaborate with the majority. We can pull the trigger on an independent investigation at any time—but we can only do so once. The best time to do so will probably be next year either:

(A) After we have already released our additional views on an interim report—thereby providing as many as three opportunities to make our case to the public: (1) additional views on the interim report; (2) announcement of our independent investigation; and (3) additional views on the final investigation; or

(B) Once we identify solid leads the majority does not want to pursue. We could attract more coverage and have greater credibility in that context than one in which we simply launch an independent investigation based on principled but vague notions regarding the "use" of intelligence.

In the meantime, even without a specifically authorized independent investigation, we continue to act independently when we encounter foot-dragging on the part of the majority. For example, the FBI Niger investigation was done solely at the request of the vice chairman; we have independently submitted written questions to DoD; and we are preparing further independent requests for information.

SUMMARY

Intelligence issues are clearly secondary to the public's concern regarding the insurgency in Iraq. Yet, we have an important role to play in the revealing the misleading—if not flagrantly dishonest methods and motives—of the senior administration officials who made the case for a unilateral, preemptive war. The approach outlined above seems to offer the best prospect for exposing the administration's dubious motives and methods.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I ask unanimous consent to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATING TO MARRIAGE

Mr. CORNYN. First, Madam President, my remarks pertain to the issue of marriage. Of course, I have been here this morning while the distinguished Senator, the current occupant of the chair, the chairman of the Senate Judiciary Committee, comprehensively laid out the reasons why this is an important debate.

I have also heard Senator ALLARD from Colorado and Senator SMITH from Oregon speak about this issue. I would like to associate myself with each of those comments. But I want to explain briefly my own reasons why I believe this is such an important issue.

First, I would like to respond to the comments made by the ranking member, the Senator from Vermont, the ranking member of the Judiciary Committee. This is something that the chairman of the Judiciary Committee has already touched on, but I think it is so important. We keep hearing the same argument over and over again, so we really need to hit this issue hard.

But I think it is so important.

It is amazing to me to hear the Senator from Vermont and others say we have no time to talk about the issue of marriage and the American family because there are more important issues we ought to be debating. The truth is, while there have been Members on this side of the aisle talking about this issue all morning long, there has been virtually dead silence on the other side of the aisle.

Then we hear comments that are made about, well, this really isn't that important, and there are more important issues for us to talk about: homeland security, the budget, appropriations, and the like.

But I concur with the comments made this morning by the present occupant of the chair, the chairman of the Senate Judiciary Committee, that there is no issue more important in this country today than the American family and preserving the traditional institution of marriage as the most basic building block in our society, one created for children in their best interests.

You know this common theme, that this issue is not important; it is not one that has been demonstrated by the lack of presence on the Senate floor by our colleagues on the other side of the aisle, or even the overt comments made about this not being an important issue. We have had numerous hearings in the Senate Judiciary Committee and the Subcommittee on the Constitution, which I am honored to chair, and other committees in the Senate. Essentially, we have been met with either overt hostility or, in many instances no-shows, where Senators have chosen to boycott a good-faith desire to have an honest discussion about this issue and the threat that has been posed to the traditional family.

I, for one, am shocked and amazed at the attitude. Unfortunately, it is the reality we confront today and which the American family confronts.

Of course, I have been concerned about this issue, as I think most Americans have been, for a long time. But I note that in January of 1999 when I served as Texas Attorney General, one of my responsibilities—it was one of the few attorney general offices that had this responsibility—was child support enforcement. It was my obligation, my duty, my privilege to enforce

child support orders for about 1.2 million Texas children.

It is no secret to any of us that due to the growth of out-of-wedlock child-births now—about one out of every three children born in America are born outside of marriage; unfortunately, a fact that we all bemoan but a real and present reality—that half of the marriages end in divorce; that the American family is in fragile condition.

That is one reason I was so concerned when on May 17, 2004, we saw an assault launched on the American family and the institution of marriage. But the truth is, we should have seen this coming. There were a few people who did, but most did not.

I worry that the American family will not be able to sustain itself against this continued attempt to marginalize the importance of traditional families and the importance of every child having a loving and supportive mother and father, which we all know as a matter of common sense, a matter of observation, and as a matter of social science is the optimal situation for a child to be raised and grow up in.

I would be the first to say that there are heroic parents—single parents and children living in other arrangements—that adults do a heroic job of raising children in other-than-traditional family households. I congratulate them, and we ought to do everything we can to support them in every way we can because we know the optimal is not always possible.

But that shouldn't cause us to shy away from or refuse to defend the importance of the traditional family unit as the optimal situation in which children are born and raised into productive adults and have a chance to live up to their God-given potential.

We know that, as a sad fact of social science, children who are raised in a less than optimal situation through no fault of their own are at higher risk, that they are at higher risk of a host of social ills. We hope and pray that they may overcome these higher risks. But we know, tragically, that too many cannot. We see the evidence of that with dropout students who fail to pursue their education because they simply drop out of school, children who become involved in drugs and other self-destructive activity, children engaged in premature sexual experimentation and pregnancy, and other problems that affect their ability to grow up as fully productive and contributing citizens.

So we should not shy away from this debate when it comes to talking about what is optimal, what is in the best interests of American children and American families.

I believe that fundamentally is what this debate is about.

Some people have asked me, Why is it that some seem to shy away from this debate? I will tell you this: I think part of the reason is that some people

just prefer not to be called names or to have their motives cast in doubt. But I will tell you this: I believe with all my heart that the people of this country believe in two fundamental propositions in addition to others.

No. 1, the American people believe in the essential dignity and worth of every human being.

At the same time, I think the American people overwhelmingly believe in the importance of traditional marriage and the traditional family as the bedrock institution of our society and in the best interests of children. I don't think there is any conflict there. I think you can believe in both at the same time.

This is not about phobias. This is not about a desire to hurt anyone. This is a discussion—an important discussion that we ought to have and we are going to have about the institution of the American family and traditional marriage as the optimal situation.

I fail to see how any one of us can remain neutral or on the sidelines when this debate is going forward. Indeed, we did not choose to engage in this debate at this time on this amendment. There is a difference between launching an attack and acting in self-defense. The American people know the difference. But I believe we must answer the call to action now on behalf of the American family.

It was on May 17, 2004, when the Massachusetts Supreme Court declared traditional marriage—remember these words because these are important—“a stain that must be eradicated.”

The Supreme Court, four members, the majority of that court, called it invidious discrimination to limit marriage to persons of the opposite sex, what we call traditional marriage.

They said “limiting traditional marriage between members of the opposite sex lacks any rational basis.”

As has already been noted and as we observed on cable television and the nightly news, this attack on the family and on traditional marriage that occurred in Massachusetts was joined by lawless officials in San Francisco and elsewhere around the country.

Soon the American people saw same-sex unions occurring on our television screens, in our newspapers, and reported on the radio.

Tragically, it is not the adults who pay the price for the marginalization of marriage as our most basic societal institution, it is our children who pay and pay and pay some more. Social science confirms what common sense and simple observation dictate: When the institution of marriage is marginalized, children are at higher risk, as I mentioned before. In short, they are at higher risk for the sort of consequences that will follow them for the rest of their lives.

When the Massachusetts Supreme Court, following the decision of the U.S. Supreme Court, which I will discuss briefly in a minute, launched into this radical social experiment in rede-

fining the institution of marriage, we have some glimpse of what that experiment may yield by what social scientists have been able to evaluate in Europe and elsewhere. We have seen what happens when government pretends this problem does not exist until it is too late. We cannot afford to look back years from now and say we stood idly by while the American family was marginalized into irrelevance.

How did we get here? How in the world did the Massachusetts Supreme Court, on May 17, 2004, decide that traditional marriage was a stain that must be eradicated, represented invidious discrimination, and had no rational basis? They did not dream it up on their own. The origins of this language and this rationale for that decision came from the case of *Lawrence v. Texas*. I have excerpted a segment of Justice Kennedy's opinion for the majority of the Court because this is the germ, this is the seed out of which this concept has grown and which now, as I have stated, threatens to jeopardize the American family, further marginalizing the American family and, indeed, the traditional institution of marriage.

Relying on an earlier decision in *Planned Parenthood of Southeastern Pennsylvania v. Casey*, the Court reaffirmed the substantive force of the liberty protected by the due process clause. For nonlawyers, they were relying on this earlier decision and said that they were reaffirming the basis of that decision here. The Court went on to say:

The *Casey* decision again confirmed that our laws and traditions afford constitutional protection to personal decisions relating to marriage, procreation, contraception, family relationships, child rearing, and education.

In this following sentence, stated in the same place where they talked about the liberty interests that protect marriage, they conclude by saying:

Persons in a homosexual relationship may seek autonomy for these purposes, just as heterosexual persons do.

As Justice Scalia noted in his dissent, it was this juxtaposition of marriage and this right of individual autonomy in one's relationships that extends not just to heterosexuals in marriage but also to homosexuals in their relationships that is the basis for the Court's decision here. Not surprisingly, that was the very case cited by the Massachusetts Supreme Court in the *Goodridge* case when they held that traditional marriage was a stain that must be eradicated, that it represents invidious discriminations to allow heterosexuals to enter into that relationship but not homosexuals, and said that limiting marriage to traditional marriage between persons of the opposite sex had no rational basis.

Of course, the American people have not had a chance to express their views on this issue. As was pointed out eloquently earlier, neither did the people of Massachusetts. As it turned out, when the people of Massachusetts had

the chance to have their voice heard on this issue, they chose to overrule the decision of the Massachusetts Supreme Court. The problem is in Massachusetts a constitutional amendment takes two consecutive sessions of the legislature, and they cannot amend the constitution until 2006 in that State. In the meantime, as we all know, since May 17, clerks have been ordered to issue licenses for same-sex marriages, and this pending constitutional amendment of 2006 is too late to effectively let the people's voice be heard and control this debate.

We have seen what some have called "government by the judiciary." We believe in our fundamental constitutional documents. Our Constitution provides for government of the people, by the people, and for the people, not government of the judiciary, by the judiciary, and for the judiciary but government of the people, by the people, and for the people. When we see an overturning, in essence, of the Massachusetts Constitution, 224 years after it was written, by a radical redefinition of marriage by a majority on the Massachusetts Supreme Court, it amazes me some of our colleagues would expect us to stand on the sidelines, mute, and expect us to be mere spectators in what is perhaps one of the most important debates we could possibly be having in this body or anywhere else around this country, and that is the preservation of the American family and the preservation of traditional marriage as the most important stabilizing factor in our society in a relationship that is most important for the raising and nurturing of children.

Some have suggested that this is not a Federal issue, this is not something the U.S. Congress should have anything to do with. Some have said in good faith—I think naively so but in good faith—well, let Massachusetts deal with that; that does not affect us. As already has been pointed out, people have married in Massachusetts under Massachusetts law and moved to 46 different States. Indeed, there are a number of lawsuits—I think at last count roughly nine lawsuits, maybe more—where those persons, same-sex couples who married in Massachusetts, have moved to other States and filed lawsuits seeking to require those States to recognize the validity of those marriages even though the laws of those other States do not recognize same-sex marriage.

As was pointed out a little earlier, we should have seen this coming. It has been coming for quite some time. It really did not start with *Lawrence v. Texas*. Some of the most well-known legal scholars in the United States, such as Laurence Tribe, have been advocating this position all along. He concludes after *Lawrence*, as he did beforehand, that this was the death knell for traditional marriage in America. But he said, "You'd have to be tone deaf not to get the message from *Lawrence* that anything that invites people

to give same-sex couples less than full respect is constitutionally suspect." That is what left-leaning liberal legal scholars have been saying for some time and what the Supreme Court embraced in *Lawrence* and now we have seen carried to the next step, the logical conclusion, by the Goodridge court in Massachusetts.

But I guess what causes me such disappointment at the absence of our colleagues on the other side of the aisle and of their statements—those who have come to the floor and those who have shown up in committee—is saying this is not an important issue, that there are more important issues.

This is not a partisan issue. The reason I say that is because in 1996 the Congress passed—indeed, the Senate passed, by 85 votes—the Defense of Marriage Act which, as a matter of Federal law, defines marriage as the union of one man and one woman.

Now what I fear is our colleagues who oppose this amendment, who voted for the Defense of Marriage Act—they understand the Defense of Marriage Act is under threat and that a constitutional challenge will be made to the Defense of Marriage Act based on this *Lawrence* rationale. Indeed, that has already occurred in the States of Utah, Florida, and Nebraska, a Federal constitutional challenge that says: Your laws that limit marriage to traditional marriage, a marriage between one man and one woman, now violate the Constitution, using the very rationale I described earlier in *Lawrence*, agreeing, perhaps, with Professor Tribe. We are told this is not important, this is not worthy of debate, and there are other things that are more important. I disagree. I think the American people, when this finally begins to sink in, will disagree as well.

Some people have asked me: Why is it there is not a greater popular uprising and outcry about this issue? Well, I remember when we saw people getting married in San Francisco, same-sex couples there, and in Massachusetts, there was sort of a blip on the radar screen. Polls showed that the American people, once they realized what was going on, disapproved of what they saw. But, of course, we are all busy raising families and going to work, and this perhaps has not been something that has been sustained in their consciousness and their awareness. But, indeed, this is an important issue and one that is under attack.

Some have said, though: Why can't we let Massachusetts do its own thing? And why can't each State decide for itself what its policy will be? Well, we have seen, because of same-sex couples getting married in Massachusetts and moving to other States, that is not possible. Realistically that is not possible.

If you think about another aspect of what we call family law—let's say the law of adoption—if one State says you can adopt a child under certain circumstances, when that family moves

to another State—when they move to Texas, Utah, or somewhere else—we recognize the validity of that adoption, of that family law decision.

What I believe is some of our colleagues, indeed some of the American people, are, No. 1, in shock at this radical transformation in our society's most basic institution. Secondly, after shock, people sometimes are in denial. They do not want to believe it. They do not want to think they are going to have to deal with it. And then, after a while, the reality begins to sink in that this is indeed something that needs to be addressed.

There are some who said: Well, if this is such a threat, why can't we wait until after the U.S. Supreme Court joins the Massachusetts Supreme Court in saying you cannot limit marriage to opposite-sex couples, based on this rationale and the logical conclusion of the language I have already described?

As you know, the U.S. Constitution has been amended 27 times. We have some history, some track record of how long it takes the process to go forward. It requires, of course, as you know, a two-thirds vote in the Congress. It requires ratification by three-quarters of the States. In other words, it takes a little time. Some amendments have been adopted and ratified in as short as 8 months, but typically they take a little bit longer.

So what people are saying—if they want us to wait until after the Federal courts declare traditional marriage unconstitutional, if they want us to wait until that time to raise this constitutional amendment—they are, I suggest to you, inviting the same sort of chaos we are seeing happening in Massachusetts. Because once same-sex marriages occur, if months and maybe years later the Constitution is amended to reinstate the status quo of traditional marriage, it may very well be too late.

So I will conclude, because I see the distinguished Senator from Alabama in the Chamber, who I know has been waiting to address this issue. This is an important issue. This is an issue that deserves serious debate by serious people. This is an issue that cannot be limited to one State. And this is an issue the American people deserve a right to be heard on through the amendment process.

I would say, in conclusion, there are some who say the U.S. Constitution is a sacred document and should not be amended. If the American people do not exercise their rights under Article V of the Constitution to amend the Constitution as they see fit—given that high bar, and given the deliberation that is required in order to meet that high standard—the only people who are going to amend the Constitution are judges—Federal, life-tenured judges who are accountable to no one.

I submit that is antidemocratic, it is contrary to the concept of self-government that is ensconced in our Constitution and was embraced by our Founding Fathers, and simply will not

stand up under any close scrutiny. The whole concept that Federal judges ought to be the only ones to speak on what the laws are that govern us is antithetical to a constitution that guarantees government of the people, by the people, and for the people.

Finally, I would say we have on this last chart a statement of intent by those who intend to pursue legal action across the country until they reach their ultimate goal:

We will not stop until we have [same-sex] marriage nationwide.

This was stated by a spokesperson for Lambda Legal, which is an organization that supports much of this concerted legal action across the country in State and Federal courts, the logical conclusion of which is the judicial mandate of same-sex marriage.

I look forward to the additional debate and the words offered by my colleagues on this subject. I hope those who have a different view will have the courage to come here and tell the American people why it is they think the preservation of the American family and the preservation of traditional marriage is unimportant. I think we can have a pretty good debate. I hope they do not choose, instead, to stay in their offices or at home and hide from this issue. This is simply too important to the kind of country America is and the kind of country we will become.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, today the Senate has begun the formal debate on the constitutional amendment that does something very simple; that is, protect marriage. The question before us is fundamental: Should marriage remain the union between a husband and a wife? Marriage is the union between a man and a woman for the purpose of procreation, and has been, until this point, one of the great settled questions of human history and culture.

Yet our current legal system seems alarmingly out of step with this historical understanding of marriage. Over and against 5,000 years of recorded human experience and social development, the Massachusetts Supreme Court has thrown out the definition of marriage. Marriage is no longer to be understood as a covenant between a husband and wife in the interest of their future children but, rather, the consummation of romantic attraction between any two adults. And they, these judges, appointed lawyers to these positions, imposed this radical change over the strong objections of the people of Massachusetts, the Legislature of Massachusetts, and the Governor of Massachusetts.

Indeed, a number of local governments in California and Oregon and New York followed the lead of the Massachusetts court, offering marriage licenses in violation of State laws, in violation of State constitutions. Same-sex couples from 46 States applied for

marriage licenses in these jurisdictions. There are pending lawsuits to overturn marriage laws in 11 other States. It has become clear that the issue is a national issue, and it requires a national solution, and thus this debate on the floor of the Senate.

Last year's Supreme Court decision in *Lawrence v. Texas*, combined with the Court's views of the constitutional clauses on full faith and credit, equal protection, and due process, have convinced legal scholars of all political persuasions that the existing Defense of Marriage Act will be struck down. Harvard law school professor Laurence Tribe said:

You'd have to be tone deaf not to get the message from *Lawrence* that anything that invites people to give same-sex couples less than full respect is constitutionally suspect.

Yale law professor William Eskridge agreed that the *Lawrence* decision will add to the momentum for recognition of same-sex marriage.

The Harvard Law Review, last month, weighed in with its opinion: "The time is ripe for a constitutional challenge to DOMA" because the 1996 act "violates equal protection principles."

The truth is, the Constitution is about to be amended. The only question is whether it will be amended by the U.S. Congress, as the representative of the people, or by judicial fiat. Will activist judges amend the Constitution? Will they undo marriage as the union of a man and a woman? Or will the people amend the Constitution to preserve marriage?

I say the people should have a voice. On such a fundamental question, the only sure option is a constitutional amendment.

Some have argued marriage is already a weakened institution in America and expanding marriage to same-sex couples will strengthen it. It is true that marriage in this Nation today is not as strong as it should be. But I question whether changing the definition of marriage will help us strengthen the institution. We can look at what has happened in other countries.

Scholar Stanley Kurtz has found that 10 years of de facto same-sex marriage in Scandinavia has further weakened marriage. A majority of children in Sweden and Norway are today born to unmarried parents.

In the Netherlands, which adopted de facto same-sex marriage in 1997, the proportion of children born outside of marriage has tripled. This isn't surprising. When the laws of a nation teach the next generation that marriage no longer has anything important to do with bringing mothers and fathers together for their children's sake, how can we expect otherwise? Rather than making marriage stronger, it has made marriage optional for childbearing. And we know from social science and from common sense that children do best in stable two-parent households.

Conversely, children in broken and unstable homes suffer. They are more

prone to delinquency, more prone to poorer grades, high-risk behaviors, a whole raft of negative social outcomes. Children need moms and dads. Marriage recognizes and addresses that need.

Yes, marriage is about love. But it is also crucially about pointing men and women to the kind of loving union that binds them together and to their children. Far from strengthening the family, separating marriage from childbearing and child rearing undermines the family and distorts what we teach our children about the meaning of adult commitment, responsibility, mutual loyalty.

As Governor Mitt Romney recently testified, the pressures to change have already begun. The Massachusetts Department of Health has begun to insist that even birth certificates must change. The lines for mother and father are being replaced by parent A and parent B. One wonders if parent A and parent B are even expected to be more than casually acquainted. So we can see that the implications of radically redefining marriage are far reaching. They are dramatic. They are not private. They are not measured.

As we proceed to debate this serious and intense issue, I urge all sides to accord one another respect. Let us agree at least on this one point, that the Harvard Law Review is wrong and irresponsible when it says that Americans who want to protect marriage are motivated by animus or bigotry. And Cheryl Jacques of the Human Rights Campaign is wrong when she described marriage amendment proponents as "hate-filled people who will stop at nothing to achieve their discriminatory, offensive goals."

Such allegations are neither fair nor true about the vast majority of decent, law-abiding Americans. Nor do they help us understand the issues before us. Americans of all races, creeds, and parties are coming together to protect marriage as the union of husband and wife. We do so with respect for those Americans who disagree. The debate over something as basic and fundamental as marriage may be passionate and intense, but it need not be ugly and divisive. Amending the Constitution is a serious matter. We do not consider this action lightly. It is a serious matter that has to be addressed with the utmost respect, time for debate, consideration, and deliberation. That is what we will see play out on the floor of the Senate over the course of today and Monday and Tuesday.

Too many important decisions have been made by unelected judges. Far from settling issues, such sweeping decisions have only fueled the controversy. The American people have a right to settle this question of what marriage will be in the United States. That can only be done through the mechanism our Founding Fathers gave us for settling questions of great national import. And that is the constitutional process. It is not autocratic but

supremely democratic, consistent with the great principles of federalism. The Constitution can only be amended if two-thirds of both Houses of Congress agree and three-quarters of the States, and it will only happen if the great majority of the American people across this land agree. That is the democratic process.

Marriage is an issue that rightly belongs in the hands of the American people. If the people do not speak, then the courts become our masters by default.

Marriage and family are the bedrock of society. Before we embark on a vast untested social experiment for which children will bear the ultimate consequences, we need a thorough public debate. It is my hope that our debate in this body will add to the larger marriage debate already underway.

Marriage is worth the time, energy, and attention of this Senate and of all the American people. The model of the family bound by marriage to fulfill its attendant responsibilities, indeed, is a worthy ideal.

The matter before us is critical. The debate before us is essential. Let's hold it with civility and respect. Let the debate be spirited, let it be substantive, and let it be held now in this body, the Senate, for this and future generations of Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

PRIORITIES AND ABSENCES

Mr. LAUTENBERG. Mr. President, I wish to talk for a few minutes about a subject different than the one we have been hearing about most of this morning.

I rise as a proud member of the Senate. I treasure every moment that I serve here. I look at my voting record of over 20 years and I am proud of that record. It is important; whatever we do here is important. So I rise today to raise a question about a disturbing television ad that President Bush is running against our colleague, Senator KERRY. The ad opens up with the President saying, "I approve of this message."

The President's commercial is called "priorities." It criticizes Senator KERRY for missing votes here. The President's advertisement says that "leadership means choosing priorities." I could not agree more because Senator KERRY has chosen the correct priorities, while President Bush has been absent from leadership—sometimes referred to as AWOL.

If you look at the priorities of these two men throughout their lives, you learn a lot about who was absent and who was a leader. Senator KERRY has never been absent, AWOL, from his responsibilities. The President, on the other hand, has been absent at times when it required leadership. During the Vietnam war, an era in which 58,000 American soldiers lost their lives, and

many more than that were wounded, President Bush was AWOL from leadership, AWOL from serving our country. He was assigned to the Texas Air National Guard, but he was absent from mandatory physicals, so he was grounded from flying. He was absent from his duties. We will never know all of the facts about the President's National Guard service because, today, the New York Times revealed that his records have been destroyed "by mistake."

If you look at Senator KERRY's history, you see a totally different picture. You see a man who signed up not just to join the Navy, but to go to Vietnam to serve his country. Even though he disagreed with that policy, he served bravely and courageously in a leadership role. He commanded a swift boat and he led it bravely.

Last week, I had the opportunity to visit with Del Sandusky, one of Senator KERRY's crewmen in the Navy. He tells many moving stories about the bravery and leadership of Senator KERRY in Vietnam.

By the time he returned from Vietnam, Senator KERRY earned a Silver Star and a Bronze Star, which are high-standing awards for bravery and courage in serving his country; and three awards of the Purple Heart for his service in combat. In fact, a question has been raised about whether he deserved the third Purple Heart. I don't know what that means. Does it mean we want to measure the depth of the wound to see whether you pass a certain line, and the Purple Heart is one color or another? The military has a process, and they said he is entitled to three Purple Hearts. In my view, he is also entitled to the gratitude of this country for speaking up after he finished his service to talk about what might have gone wrong with the decisions in Vietnam. But he didn't ever relinquish or shirk his duties.

What about the President's service at this time? They won't reveal the specifics. The records were destroyed, as we now know, and we will never find out. In this current war, as our brave soldiers are battling insurgents in Iraq, the President has not been honest about the true cost of this war. I am talking about the human cost as well as in monetary terms.

The President has ordered that no cameras be allowed to film the flag-draped coffins of heroes returning from battle. In my view, that is disrespectful to these men and women who gave their lives for this country.

I went to a funeral at Arlington Cemetery, and I also went to the funeral service of President Reagan. Each funeral had a similarity. They had an honor guard of proud service people escorting the coffin, doing their duty to say this Nation is grateful to these people they considered heroes. One act that the honor guard is required to perform is the folding of the flag and to finally put it into a triangle that can be handed over to the family. I watched at

Arlington Cemetery when, crease by crease, each pair of service people—soldiers, marines, sailors—turned their part of the flag over. Finally, they folded it into a triangle, and the head of the honor guard walked over to the mother of this man who died and handed it to her. You could see the pride and the tears in her eyes with her family as she received this tribute from her country for her son's life.

The President has ordered that no cameras be allowed to film the flag-draped coffins of heroes returning from battle. In my view, it is disrespectful. Other Presidents weren't afraid to show the American people images of the honor guard receiving their coffins. In fact, President Reagan stood on the tarmac and publicly and openly received the coffins of 241 marines killed by Iranian-backed terrorists in Beirut in 1983. President Clinton did the same for flag-draped coffins returning from Kosovo. But President Bush hasn't been there. He is AWOL from this solemn duty.

When it comes to domestic issues, the President is AWOL from leadership. He was absent from funding the No Child Left Behind program. He signed it into law with great fanfare. But when the cameras were shut off, his leadership stopped. The latest budget underfunds No Child Left Behind by \$9.4 billion. The budget also proposes the elimination of 38 educational programs. That is absence from leadership.

When it comes to protecting the environment, the President is absent. He refuses to make polluters pay for Superfund cleanups. He has proposed an outrageous rule to allow powerplants to spew mercury into the air and water, which brings potential harm to our children and those who are on the way to being born.

In the fight to cure disease, the President is absent. We have great tools to cure diseases such as Alzheimer's and juvenile diabetes at our disposal, and that tool is the use of embryonic stem cells, but the President is refusing to allow such research to proceed for political reasons. That is an absence of leadership.

When it comes to our Nation's transportation needs, the President has been AWOL. He has threatened to veto the highway bill even though it enjoys overwhelming bipartisan support. That puts 1.7 million jobs at risk at a time when we need to create jobs.

Thirty-eight percent of our roads are in fair or poor condition and 28 percent of our bridges are structurally deficient. Traffic congestion costs Americans more than \$69 billion annually in lost time and productivity and 5.7 billion gallons of fuel annually is wasted while motorists sit in traffic. This absence of leadership on transportation is harming American families across the country.

The President signed a Medicare drug bill into law and the law has turned into a confusing nightmare for our Nation's senior citizens, who are barely

going to see little, if any, monetary benefit. That is an absence of leadership. Of course, the main benefit does not kick in until 2006, conveniently past the next election. He does not want the American public to really see what is in that Medicare bill.

On homeland security, the President talks tough, but is he really there? The President's budget would reduce funding for grants to local police, fire, and emergency medical personnel from \$4.2 billion in 2004 to \$3.5 billion in 2005, more than a 15-percent decrease. Would anyone suggest we have less to worry about from terrorists when we just heard the dismal review by the Secretary of Homeland Security? The President's proposal will also cut first responder training by 43 percent.

The lack of leadership is not just at the White House. Unfortunately, my Republican colleagues in the Congress almost always march in lockstep with the White House, even at the peril of their constituents. This blind allegiance to the White House is having devastating effects. We have seen our budget surplus turn into deficits as far as the eye can see.

In Iraq, we bought the White House line and ignored military leaders. Look at the case of GEN Eric Shinseki, who said we need 300,000 troops in Iraq to do the job. He was right, but he was fired for telling the truth. We have recently heard from one of the leading Army generals who said our forces are too thin, and as a result of that, it is fair to say we have seen terrible casualties—879 Americans killed in Iraq, over 5,000 injured. If we had listened to General Shinseki and other military experts rather than the White House, perhaps those numbers would be less.

When the President said to the Congress, do not let Medicare negotiate for drug prices, we should have said: Too bad. Prices are out of control. We see that in the newspapers regularly now. We need to do this. Instead, the Republican majority said, "yes, sir," and followed the White House's orders, and drug prices keep soaring.

I say enough is enough. We are a co-equal branch of the Government. Let us act like it. My Republican colleagues should stand up to the President when they think he is wrong.

Senator KERRY is on a noble mission to change the direction of this country for the better. In doing so, he is leading us down a path toward a stronger America, and I can think of no better reason to pursue that goal with every minute of time, with every ounce of effort, with every bit of intellect he can muster. We wish him good health and success, to lift our country out of the misery of worry about their children, their jobs, their parents, and their Nation. We wish Senator KERRY Godspeed and hardly think of him as being AWOL. His record disproves any notion of that.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

ACTIVIST COURTS IN AMERICA

Mr. SESSIONS. Mr. President, as we finish up today, I want to share a few thoughts on the problem we have with the activist courts redefining marriage.

Marriage has been defined by every legislature that has ever sat in the United States from every State, now 50 States, the same way, but now we have unelected judges altering and changing that fundamental institution.

It is not a little matter. It is a very big matter. It is a matter the American people have a right to be asked about. It is a matter the American people have a right to be engaged in. It is an institution that no one can dispute is central to American culture. Regarding the culture of any country in the world, the status of family and marriage is critical to that culture.

I had the privilege of chairing a committee that had a hearing on marriage. It was a remarkable thing. Barbara Dafoe Whitehead was one of the witnesses. She had written an article that was voted one of the most significant articles in a news magazine in the second half of the 20th century. The Presiding Officer, the Senator from Mississippi, served with Dan Quayle, the former Vice President and Senator of this body. The name of the article was, "Dan Quayle Was Right."

She has since continued to study the science of families. She told us when she originally did her report she was criticized by academics around the country, but in the 10 years since she wrote that article there is no dispute that children do so much better—every objective scientific test shows that—if they are in a traditional two-parent family. Indeed, the husband and wife do better. It is a healthy relationship that the State, the Government—without any doubt, it seems to me—has every right to want to affirm and nurture and encourage through legislation.

To me, there is no discrimination whatsoever in a State deciding they are going to give a special protection to the marriage relationship that produces children, who will eventually run our country when we are gone. Any nation, any country, and any State has an interest in producing children who will take over and lead their country in the future.

They also have an interest in how those children are raised. It is a big deal here. Some people in this body continually push for more State and Federal Government involvement in the raising of children. I will ask you this: If there are not families to raise those children, who will raise them?

Who will do that responsibility? It will fall on the State. There will be a much less effective job done, at greater cost to the taxpayers. Who could dispute that? I think the State has a remarkable and deep interest in it.

Likewise, when you have a universal, unequivocal, unbroken, consistent decision by every State and virtually every nation, until the last few years, that a marriage should be between a man and a woman, I think anybody ought to be reluctant to up and change it; to come along and say, well, you know, everybody has been doing this for 2000 years, but we think we ought to try something different.

We should not do that. I mean, if you want to bring it up in the legislature of the State of Alabama or the State of Massachusetts and you want to debate it and have hearings on it and take evidence and then you decide you want to vote on it, maybe that is one thing. But what we have had in this circumstance is a situation in which the Supreme Judicial Court of Massachusetts, citing language from the U.S. Supreme Court, up and declared it violates the equal protection clause of their Constitution to treat same-sex unions differently from heterosexual unions.

Maybe that is an equal protection violation. Maybe we could say that is what the Constitution says. But nobody, since the founding of this country, has ever interpreted it that way. What happens if a court makes a mistake? What happens if a group of judges says: I don't like the way the legislature has been handling this marriage thing. I don't think they have been affirming same-sex couples' unions and they ought to do it. Why don't we rule that way? Why don't we do that?

Somebody says, How are you going to do it? They say, We will study the Constitution. Here, it says everyone should be given equal protection of the laws. So we can overrule the State legislatures and we will say treating those two unions differently violates the equal protection of the laws. We will declare it unconstitutional.

Where did that leave the people of Massachusetts? We are on the verge of it, if the U.S. Supreme Court does it, for the entire United States. Where does that leave the people?

I remember in the early 1980s, Hodding Carter, who used to work for President Jimmy Carter, was on "Meet the Press" or one of those shows he was on regularly and they were talking about judicial activism. He said the sad truth is we liberals have gotten to the point where we ask the court to do for us that which we can no longer win at the ballot box.

This cannot be won at the ballot box. It can only be imposed on the people of America through a judicial ruling under the guise of interpreting the Constitution. That is what activism is. It is judges allowing personal political views to infect their decision-making

process, where they override the actions of the legislature.

I am sure some say they will pass a law and overturn the Supreme Court. You cannot do that. It is important for everybody in this body to understand that. If the Supreme Court of the United States declares the Constitution prohibits a differentiation between a traditional marriage and other unions, the Constitutions of Massachusetts, or Illinois, or Alabama, or Mississippi is ineffective. It is trumped by the U.S. Constitution.

If we in the Congress pass a piece of legislation, a DOMA-like piece of legislation—I am sure it has been referred to earlier—it will not be effective in the face of a declaration by the U.S. Supreme Court that it is a violation of the equal protection clause of the U.S. Constitution to treat these unions differently. So it is a big deal for us.

We have one of the great institutions of our entire culture, for which there is virtually unanimous public support, virtually unanimous support among all the legislatures who have ever sat in the States of the United States of America, and it is in danger of being wiped out by the Federal courts.

I know Massachusetts has already so ruled on May 17. Less than 2 months ago they began to conduct same-sex marriages in Massachusetts. They say those unions have to be given the same, equal treatment as the other unions.

I would ask, what about two sisters who live together, care for one another, have been together 40, 50, 60 years? Are they treated as a marital relationship? Why don't we call that a marriage? Two brothers? A brother and sister? A mother and a daughter who live together many years without any kind of sexual activity? Why is this same-sex union given a preferential treatment over those unions?

When you get away from the classical definition of marriage, we get into big trouble about where those lines will stay. The reason a State has an interest in preserving marriage, traditional marriage, is because children are produced in that arrangement. Out of that arrangement a new generation is born, raised, nurtured, trained, and educated. We need to affirm that.

We had an African American who spoke to a group of us yesterday.

He was Secretary of State of Ohio and he talked about that and how deeply people felt about it and how important he thought it was.

Another African American was pastor of a 2,000-member church. He was a bishop. He was also a city councilman in Detroit. He talked about how hard they have worked to overcome the breakdown of marriage in America and strengthen marriage in America.

We ought to be passing laws that encourage marriage, not discourage it. We ought to be, as a policymaking body, involved in establishing policies that affirm that relationship. We know scientifically, we know intuitively, and

we know morally that this is the better way.

I am not putting down single parents. I am not condemning people who have a different sexual orientation. I don't mean that in any way whatsoever. But the State, the government, has a right to define marriage in the classical term because that is where children are born, that is where they are nurtured, raised, and cared for. If the parents don't do it, I guess the State has to, which is what is happening in Europe.

Earlier today, one of the Senators may have mentioned a new letter that has come out of the Netherlands. Five scholars—social scientists and lawyers—have written a letter to warn that their actions in the Netherlands to affirm through legislation same-sex unions may well have contributed to the collapse, decline, and very rapid disorder of marriage in the Netherlands. We know that over 50 percent of the children in Norway, which a number of years ago created defacto same-sex marriage, are born out of wedlock. It is an incredible collapse of marriage in northern Europe—Norway, Sweden and Denmark have declined, and the Netherlands has shown a rapid decline. These social scientists warned other nations that are considering going in this direction, that are considering passing laws in this direction, that it would further weaken marriage and family.

We ought to pay heed to that. Why would we want to go down that way? We do not follow the European model of national defense. We have an extraordinary, modern, and effective national defense capability that the Europeans do not have. We do not follow the European model on taxing and spending. That is why our Nation is stronger, more economically dynamic, and is growing far faster than the European nations. They are not growing. Their growth rate is down. Their population is aging. They are having fewer and fewer children. Their welfare rolls are growing. They have a workweek of 35 hours. We are supposed to find more people more jobs so more people can work. And their unemployment is about twice ours.

We don't follow their idea on the economy, thank goodness. The socialist model has not worked there and they are in a pell-mell race to secularize Europe. And we have not done that either. They don't allow a Muslim child to wear a scarf, or Christian child to wear a cross.

Why would we want to go that way? We should not go that way. We do not have to. We can make a choice to go a different way.

Some in this country, and I think some on our courts, seem to believe this is the wave of the future; that this is the enlightened Europe, and we ought to follow the enlightened Europe with a negative growth rate, I guess, and a rapid increase in secular relations in society. I don't think we need to go there.

There is an opportunity and a big moment. This is a big moment. It is an opportunity for this Senate to allow the people of the United States to speak on this issue, to say how they want the future of this country to be handled, for them to say who is in charge of this country. As Senator CORNYN from Texas said earlier, when an unelected judge makes a ruling in a political manner, like on the definition of marriage, it is an anti-democratic act. These are people, unelected, with lifetime appointments, not answerable to the public. If we vote wrong, you can remove us from office. That is the way the system works and the Founding Fathers all thought about it. That is what democracy is. But we have unelected people not having hearings, not having debate, not going out and having town hall meetings throughout their State, as I do and most Senators do, listening to the people, thinking about the issues, having a sensitivity of what is occurring in society. They are sitting up there in their robes rendering rulings to go to the heart of who we are as a people. I am concerned about it. I think we have every right to be concerned.

The substance of the matter is large. It is a very big deal. The dynamics of it are very crucial.

It is time for us as a people to utilize the power of the Constitution given us through our elected representatives to amend the Constitution. That is what it provides.

Frankly, when a judge redefines the Constitution's traditional meaning and makes it say something it does not, that judge has amended the Constitution contrary to the provisions in that document.

I remember back when I was U.S. attorney in Alabama. I had a parent come to me and show me the textbook in the classroom. It said how the Constitution is amended. The one way was the amendment process, as provided for in the Constitution. And they mentioned another way: Amended by ruling of the court. They are teaching children—the truth—which is courts, through their rulings, if they are not true and faithful to the document itself, amend the Constitution.

We ought not to allow that to occur.

I think this would be in no way extreme, in no way improper, and highly appropriate for this Senate to say let's let the American people decide about this fundamental institution of marriage, and let us tell the courts that we control life in this country, not them. They are not accountable.

Some say, well, this is all not going to happen; that you are not going to have the courts do this. It is not just not going to happen. It is not thinkable. Was it thinkable that the 9th Circuit Court of Appeals in this country, the largest court of appeals in the United States, would rule that "under God" could not be in the Pledge of Allegiance? When it got to the Supreme Court of the United States, do you see

what happened? They punted. They moved it out on procedural grounds and did not state clearly what their view of it is. A number of their rulings, frankly, would indicate that it is not appropriate.

The Supreme Court has a problem in a lot of issues. They are not perfect. People are not without flaw. Many of these decisions are made by just a slim majority. It is not nine votes that are needed out of nine; it is only five, a majority. Five judges can redefine marriage and do a lot of other definitions that can impact significantly this country if they don't show personal discipline and fidelity to the law.

Let me just say this: This is the whole basis of a debate in this body between our Members on the other side of the aisle and on this side of the aisle and President Bush over judges. It is over whether or not judges will show restraint, whether they will remain true to the document, and not use the opportunity to rule as an opportunity to impose their personal views on the American public. That is what this debate is about over judges. It is not Republicans this, and Democrats that, how many judges I confirmed here and how many judges you confirmed there. It is a deep, fundamental difference.

The liberal activist groups in this country cannot win at the ballot box. So they are determined to utilize court rulings like this to further their agendas that are contrary to the American people.

I make one point before I wrap up. We have the language from the U.S. Supreme Court, our Supreme Court. In *Lawrence v. Texas*, Justice Kennedy, writing for a six-person majority, says:

In *Planned Parenthood of Southeastern Pennsylvania v. Casey*, the court reaffirmed the substantive force of the liberty protected by the Due Process Clause.

When the Presiding Officer was in law school and was taught law, I am not sure he was told there was a substantive due process right to liberty. I don't think substantive due process is mentioned in the Constitution, but here we have "liberty protected by the Due Process Clause. The *Casey* decision again confirmed that our laws and tradition afford constitutional protection to personal decisions relating to marriage, procreation, contraception, family relationships, child rearing, and education . . ."

This case has to do with whether a State could prohibit sodomy, and they ruled they could not. It says in the case, *Casey* confirmed that our laws and our tradition afford constitutional protection. So we are defining the Constitution, this says. The Constitution says you have a right to "protection to personal decisions relating to marriage, procreation, contraception," and more.

Then further it says:

Persons in a homosexual relationship may seek autonomy for these purposes, just as heterosexual persons do.

Obviously referring back to marriage above.

That is a pretty good indication that the Supreme Court—in dicta, not a holding of the case but in language and logic—made a clear suggestion they were prepared to rule that heterosexual marriage could not exist without homosexual marriage.

Let's hear how one of the brilliant Justices of the Court, Justice Scalia, who believes the Court should show restraint, analyzed the impact of it. Justice Scalia said it does mean we must recognize same-sex marriages.

Justice Kennedy says in the decision, "The present case . . . does not involve whether the government must give formal recognition to any relationship that homosexual persons seek to enter." But, the logic and language I read earlier indicated that.

Justice Scalia, who dissented from the case, said in his dissent, "This case 'does not involve' the issue of homosexual marriage only if one entertains the belief that principle and logic have nothing to do with the decisions of this court."

Justice Scalia is correct. If you read the logic of that Court decision, the language they used—dicta that it was—would indicate that is where they are heading, and six judges signed off on that language. It only takes five.

When a case comes up of this kind, we can say with certainty there is a likelihood, and many scholars believe a very high likelihood, that the Court would rule that traditional marriage is too restrictive, it has to be changed from the way the people have defined it. We do not have to accept that. We have every right to amend the Constitution. The laws in the Constitution provided for slavery—that was changed. The laws of the Constitution provide for free speech. It applies to every State. The right to keep and bear arms. All kinds of guarantees are in our Constitution. The American people can define what marriage is.

This amendment is narrowly drawn. It does not in any way threaten liberties. It does not take our money, it will not put us in jail, it will not do all these horrible things that sometimes you have to deal with in the law if you are not careful and the Constitution might get away from you. It is a narrowly drawn matter dealing with one issue, and that is marriage. We have every right to do that.

I am disappointed that some of the people I know, particularly on the other side of the aisle, are not going to vote for this constitutional amendment, and they are not even here to talk about the amendment. They don't want to talk about it. They say it is somehow wrong to discuss it during a time when we are leading up to an election. What is wrong with that? What is wrong with having a vote?

The reason it is coming up now is because a month and a half ago is when the marriages first started being conducted in Massachusetts, November was when the first ruling came out of there, and last year was *Lawrence v. Texas*.

This has been building. Law reviews by liberal law professors are pushing this issue all over the country. Lawsuits are being filed throughout the country.

The pressure is on to destroy the traditional definition of marriage. It is time and perfectly appropriate for us to deal with it. I hope we will. The American people need to be watching this vote, watching the issues that are debated. They need to ask themselves how much confidence they have in their representatives if they do not share their views on this important issue.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

NONGERMANE AND NONRELEVANT AMENDMENTS UNDER CLOTURE

Mr. REID. Mr. President, yesterday the chairman of the Judiciary Committee, my friend, the distinguished Senator from Utah, Mr. HATCH, just prior to the cloture vote on the class action bill, made a statement that I want to talk about briefly today.

He said Members can bring up non-germane or nonrelevant amendments after cloture is invoked. I am reading from page S7818 of the CONGRESSIONAL RECORD where he said:

Keep in mind that if we invoke cloture, that doesn't mean those who want to bring up extraneous, nongermane amendments or nonrelevant amendments can't do it. They can bring them up after cloture, but they are going to have to get a supermajority vote to win. That doesn't foreclose them.

That simply is not valid.

If cloture is invoked, you can bring up a nongermane amendment, but if anyone raises a point of order that your amendment is not germane, that amendment falls automatically. There is no such supermajority motion available like there is under the Budget Act. The amendment fails without a vote—fails or falls without a vote, however you want to term it. The only way you can get a vote is if you choose to appeal the Chair's ruling that your amendment is not germane. If you are successful, you will set a precedent that will permanently throw out the germaneness rule under cloture, and such an appeal of the Chair's ruling is a majority vote, not a supermajority vote.

So the fact remains: Nongermane and nonrelevant amendments are not in order once cloture is invoked, and there is no such supermajority motion available to make them in order.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I want to add to the statement I completed. In the situation Senator HATCH talked about and I commented on, you could the day before file a special motion and ask that the rules be set aside and that would take a two-thirds vote. So I guess that could be the supermajority he was talking about. It would be extremely difficult to do. You would have to file a notice the day before. I don't think that would likely happen. But I wanted to make sure the record was clear that I did not miss anything.

BURMA

Mr. McCONNELL. Mr. President, I want to commend the President for renewing import sanctions against the repressive military junta in Burma. The quick action of both Congress and the President on this matter underscores America's commitment to freedom and justice in that country.

Unfortunately, there have been no significant developments inside Burma since I last spoke on this issue several weeks ago. In 2006, Burma is expected to assume chairmanship of the Association of Southeast Asian Nations, ASEAN; there could be no greater loss of face to ASEAN or the region.

I am pleased that some of our allies in the European Union, E.U. have taken a principled stand over Burma's participation in the upcoming Asia-Europe Meeting, ADEM. However, the United Nations must do more to restore democracy to the Burmese people.

We need a full court press on the junta, which must entail the downgrading of diplomatic relations with the illegitimate State Peace and Development Council, SPDC, by placing its senior representative in Washington on the next flight to Southeast Asia. We do not have a U.S. Ambassador in Rangoon; the junta should not have one here.

I ran into the SPDC's "ambassador" in Washington at a July 4th celebration at the State Department, and told Mr. Linn Myaing to free Burmese democracy leader DAW Aung San Suu Kyi.

I find it incredible that someone from such an odious regime would be invited to celebrate the independence of the freest country in the world. Someone is clearly asleep at the wheel over in Foggy Bottom.

HONORING OUR ARMED FORCES

HONORING STAFF SGT. STEPHEN G. MARTIN

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Warsaw, IN. Staff Sgt. Stephen G. Martin, 39 years

old, died in the Walter Reed Army Medical Center in Washington, DC, after sustaining serious injuries at the hands of a suicide bomber, just outside a U.S. military compound in Mosul, Iraq. Stephen sacrificed his own life to save the lives of hundreds of fellow soldiers by causing the suicide bomber to ignite the bomb before entering the compound. One other soldier also lost his life in this selfless and heroic action.

Stephen spent his early childhood and junior high years in Columbia City, IN. He then moved to Pennsylvania and graduated from East Pennsboro High School in 1983. Stephen later joined the Army's 101st Airborne Division and worked to become a member of the Trenton, NJ Police Department, until he moved to Rhinelander, WI where he was a sergeant in the department. Just last year, Stephen joined the Army Reserve 330th Military Police Detachment. He was deployed to Iraq to help train local police forces. Stephen's sister, Susan Fenker, told the Fort Wayne Journal Gazette that Stephen told his family "he was proud to help Iraqis build a free society and give hope to the next generation." With his entire life before him, Stephen chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Stephen was the twenty-ninth Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his father, Jim; his mother, Carolyn; his wife, Kathy; his two daughters, Jessica and Brianna; his son, Seth; and stepdaughters Jackie, Jessica and Kaitlyn. May Stephen's children grow up knowing that their father gave his life so that young Iraqis will some day know the freedom they enjoy.

Today, I join Stephen's family, his friends and all Americans in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Stephen, a memory that will burn brightly during these continuing days of conflict and grief.

Stephen was known for his dedicated spirit and his love of country. When looking back on the life of his late friend and co-worker, Rhinelander Police Chief Glenn Parmeter told the Fort Wayne Journal Gazette, "He was always a soldier striving to bring about a better life for everyone, whether as a Rhinelander police officer or a military policeman in Iraq." Today and always, Stephen will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Stephen's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot

dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Stephen's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Stephen G. Martin in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Stephen's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Stephen.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On October 14, 1992, Robert K. Woelfel, a transgendered individual, was shot twice by a shotgun blast. Harold Maas, the assailant, claimed to have been assaulted by an unidentified transgendered individual the year before and allegedly shot Woelfel in retribution for that crime.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

POLITICAL EXPEDIENCY

Mr. LEAHY. Mr. President, I am struck by the way the Republican majority is managing the Senate. I have noted that we do not yet have a Federal budget resolution. It is July and we have as yet considered only one appropriations bill, and that one bill still has to be resolved with the House. We have yet even to consider the other 12 appropriations bills that are normally regarded as "must pass" legislation—that is unless Republicans intend to shut the Government down, again.

Instead, the Republican majority has apparently decided to devote the July work period to partisan political matters. We are reading press accounts about Republicans maneuvering to bring the divisive constitutional amendment to federalize marriage to this floor for debate. The Senate Judiciary Committee has held a few hearings on this issue but has yet to consider language of a proposed constitutional amendment. Bypassing the committee of jurisdiction to bring this or any constitutional amendment to the Senate floor is an unmistakable sign that political expediency and haste, in the furtherance of political expediency, are the guiding principles for the Republican majority in scheduling the Senate's time. Political expediency—whatever it takes—is their guidepost, not the pressing needs of the country to act on a budget or on the annual appropriations bills. Paramount to Republican leaders at the moment are such matters as the divisive, hot-button topic of federalizing marriage law, by constitutional amendment. Republican partisans seem intent on politicizing not only judicial nominations but also the Constitution itself during this election cycle.

Democrats fulfilled our commitment to the White House when we considered the 25th judicial nomination that was part of our arrangement this year. I read that Republicans will now insist on devoting a good portion of the Senate's remaining time to the most divisive and contentious of the President's judicial nominees. They are intent on following the advice of the Washington Times editorial page to, they believe, make Democrats look bad, when in fact it is the President who is seeking to make judicial confirmations a partisan political issue. Democrats have cooperated in confirming almost 200 judges already. That is more than the total confirmed in President Clinton's last term, the President's father's presidency or in President Reagan's first term. Federal judicial vacancies have been reduced to their lowest level in decades.

It is wrong and it is corrosive to seek partisan advantage at the expense of the independent Federal judiciary or our national charter, the Constitution. I wonder in Presidential election years whether we should not have a corollary to the "Thurmond Rule" on judicial nominations that we could call the "Durbin Rule." The astute Senator from Illinois recently observed that we should prohibit consideration of constitutional amendments within 6 months of a Presidential election. He is right in pointing out that the Constitution is too important to be made a bulletin board for campaign sloganeering. We should find a way to restrain the impulse of some to politicize the Constitution.

This week the Republican leadership has stalled action for days on any legislation as it resists amendments to the class action legislation from both

Democratic and Republican Senators. The Republican leadership's handling of this bill is a prescription for non-action, not for legislative movement forward.

Just yesterday Roll Call published an insightful editorial lamenting what it called the "Big Mess Ahead." I think we may already be stuck in that big mess. The editorial noted that "July should be appropriations month in the Senate." I agree. This traditionally has been when we were focused on getting our work done and making sure the funding for the various functions of the Federal Government were appropriated by the Congress, in fulfilling Congress's responsibilities and its power of the purse. Not this year.

Roll Call observes that "the second session of the 108th Congress is poised to accomplish nothing." The way things are going, under Republican leadership, this session will make the "do-nothing" Congress against which President Harry Truman ran seem like a legislative juggernaut by comparison.

I ask unanimous consent that the July 7, 2004, Roll Call editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Roll Call, July 7, 2004]

BIG MESS AHEAD

Here we go again. The Senate can't pass a budget resolution. Only one of the 13 appropriations bills has cleared both the House and Senate, July is a short legislative month, and everyone will be gone in August. You know what this means: a lame-duck session in November and a messy, pork-riddled omnibus spending bill.

And it's not just on the money front that the second session of the 108th Congress is poised to accomplish nothing. The House and Senate can't agree on an energy bill despite high gasoline prices, last year's Northeast blackout, repeated urging from the White House and constant reminders of America's over-dependence on risky Mideast oil. Bankruptcy-reform legislation is stymied. So is welfare-reform reauthorization. Maybe there will be a Transportation reauthorization bill, maybe not. Even the Defense reauthorization bill faces a tough conference.

Sure, the House and Senate have done a few must-do things. The United States is in a war, so both chambers have passed a Defense appropriations bill. And both have approved legislation repealing a \$5 billion-a-year export subsidy after the World Trade Organization ruled against it and authorized imposition of punitive tariffs against U.S. products. Despite complaints from both parties about expanding budget deficits, however, the House's repeal measure contained \$15 billion in new corporate tax breaks; the Senate added \$17 billion.

As any House Member will tell you, the perennial locus of delay in Congress is "The Other Body." And so it is this year. The House has passed four appropriations bills, and three more have cleared committee. In the Senate, it's one and one. July should be appropriations month in the Senate, but instead Majority Leader Bill Frist (R-Tenn.) has scheduled class-action tort reform—which had the 60 votes necessary for passage last November—and an anti-gay-marriage constitutional amendment designed mainly to embarrass Democrats before their national convention.

Republicans blame Democrats for Senate "obstructionism," but the failure to pass a budget resolution—which would have made it easier to pass appropriations bills—is mainly an intra-GOP affair. Moderates want to impose a pay-as-you-go system to restrain spending. Conservatives, ironically enough, don't. The situation has the conservative Senate leadership so exercised that it's trying to acquire the means to threaten wayward moderates with the loss of committee chairmanships.

It's true that if Senate Republicans drop the seniority system and give leaders the power to make committee assignments and choose chairmen, they simply will be following the authoritarian patter of Senate Democrats and of both parties in the House. Still, the effect would be to smother centrism—what there is left of it—and enhance partisanship and polarization. That's a distinct Congressional pattern: When things are going badly, make them worse.

INTERROGATION AND TREATMENT OF FOREIGN PRISONERS

Mr. LEAHY. Mr. President, a number of us remain concerned about the abuse of foreign prisoners, and about the guidance provided by the President's lawyers with regard to torture. Much has happened since June 17, 2004, when the Judiciary Committee defeated, on a party-line vote, a subpoena resolution for documents relating to the interrogation and treatment of detainees and June 23, when the Senate defeated an amendment to the Defense Authorization bill on a party-line vote that would have called upon the Attorney General to produce relevant documents to the Senate Judiciary Committee. Because of continued stonewalling by the administration, we remain largely in the dark.

Several Republican Senators have indicated that we should give the administration more time to respond to inquiries, although some of us had been asking for information for more than a year. The Republican administration continues its refusal to provide the documents that have been requested and refused even to provide an index of the documents being withheld.

The Department of Justice admitted in the July 1 letter that it had "given specific advice concerning specific interrogation practices," but would not disclose such advice to members of this committee, who are duly elected representatives of the people of the United States, as well as members of the committee of oversight for the Department of Justice. USA Today reported on June 28, 2004, that the Justice Department issued a memo in August 2002 that "specifically authorized the CIA to use 'waterboarding,'" an interrogation technique that is designed to make a prisoner believe he is suffocating. This memo is reportedly classified and has not been released. According to USA Today: "Initially, the Office of Legal Counsel was assigned the task of approving specific interrogation techniques, but high-ranking Justice Department officials intercepted the CIA request, and the matter was

handled by top officials in the deputy attorney general's office and Justice's criminal division."

So while former administration officials grant press interviews and write opinion articles denying wrongdoing; while the White House and Justice Department hold closed briefings for the media to disavow the reasoning of this previously relied upon memoranda and to characterize what happened; Senators of the United States are denied basic information and access to the facts. The significance of such unilateralism and arrogance shown to the Congress and to its oversight committees cannot continue.

I have long said that somewhere in the upper reaches of this administration a process was set in motion that rolled forward until it produced this scandal. To put this scandal behind us, first we need to understand what happened. We cannot get to the bottom of this until there is a clear picture of what happened at the top. It is the responsibility of the Senate, including the Judiciary Committee, to investigate the facts, from genesis to final approval to implementation and abuse. The documents must be subject to public scrutiny, and we will continue to demand their release.

There is ample evidence that American officials, both military and CIA, have used extremely harsh interrogation techniques overseas, and that many prisoners have died in our custody. Administration officials admit that 37 foreign prisoners have died in captivity, and several of these cases are under investigation, some as homicides. On June 17, David Passaro, a CIA contractor, was indicted for assault for beating an Afghan detainee with a large flashlight. The prisoner, who had surrendered at the gates of a U.S. military base in Afghanistan, died in custody on June 21, 2003, just days before I received a letter from the Bush administration saying that our Government was in full compliance with the Torture Convention.

Some individuals who committed abusive acts are being punished, as they must be. But what of those who gave the orders, set the tone or looked the other way? What of the White House and Pentagon lawyers who tried to justify the use of torture in their legal arguments? The White House has now disavowed the analysis contained in the August 1, 2002, memo signed by Jay Bybee, then head of the Office of Legal Counsel. That memo, which was sent to the White House Counsel, argued that for acts to rise to the level of torture, they must go on for months or even years, or be so severe as to generate the type of pain that would result from organ failure or even death. The White House and DOJ now call that memo "irrelevant" and "unnecessary" and say that DOJ will spend weeks re-writing its analysis.

As we all know, on June 22, 2004, the White House released a few hundreds of pages of documents—a self-serving and

highly selective subset of materials. The documents that were released raised more questions than they answered. Now, more than two weeks later, none of those issues have been resolved.

For example, the White House released a January 2002 memo signed by President Bush calling for the humane treatment of detainees. Did the President sign any orders or directives after January 2002? Did he sign any with regard to prisoners in Iraq?

Why did Secretary Rumsfeld issue and later rescind tough interrogation techniques? And how did these interrogation techniques come to be used in Iraq, where the administration maintains that it has followed the Geneva Conventions?

Where is the remaining 95 percent of material requested by members of the Senate Judiciary Committee? Why is the White House withholding relevant documents dated after April 2003?

I was gratified that the Senate on June 23 passed an amendment that I offered to the Defense authorization bill that will clarify U.S. policy with regard to the treatment of prisoners and increase transparency. But the stonewalling continues: The Pentagon opposes this amendment. I am hopeful that we will prevail in keeping this provision in the bill. Five Republican Senators supported the amendment against an attempt to table it. I thank each of them. I also want to commend the Senate for adopting, also as part of the Defense authorization bill, the Durbin amendment against torture, and I want to acknowledge an important step taken in the House on the same day. The House Appropriations Committee added language to the 2005 Justice Department spending bill that would prohibit any department official or contractor from providing legal advice that could support or justify use of torture.

As it completed its term, the Supreme Court issued its decisions in highly significant cases involving the legal status of so-called enemy combatants. The Court reaffirmed the judiciary's role as a check and a balance, as the Constitution intends, on power grabs by the executive branch. The Court ruled that the Bush administration's assertion that the President can hold suspects incommunicado, indefinitely and without charge, is as arrogant as are its legal arguments that the President can authorize torture. No President is above the law or the Constitution. The Court properly rejected the administration's plea to 'just trust us' and repudiated its assertion of unchecked power.

This Senate and in particular the Judiciary Committee continues to fall short in its oversight responsibilities. President Bush has said he wants the whole truth, but he and his administration instead have circled the wagons to forestall adequate oversight. The President must order all relevant agencies to release the memos from which these

policies were devised. There needs to be a thorough, independent investigation of the actions of those involved, from the people who committed abuses, to the officials who set these policies in motion. Only when these actions are taken will we begin to heal the damage that has been done.

We need to get to the bottom of this scandal if we are to play our proper role in improving security for all Americans, both here at home and around the world.

THREAT TO ONLINE PRIVACY

Mr. LEAHY. Mr. President, I want to address a recent court decision that has exposed America's e-mails to snooping and invasive practices. The 2-to-1 decision by the First Circuit Court of Appeals in a case called *United States v. Councilman* has dealt a serious blow to online privacy. The majority—both, Republican-appointed judges—effectively concluded that it was permissible for an Internet Service Provider to comb through its customers' emails for corporate gain. If allowed to stand, this decision threatens to eviscerate Congress's careful efforts to ensure that privacy is protected in the modern information age.

The indictment in *Councilman* charged the defendant ISP with violating the Federal Wiretap Act by systematically intercepting, copying, and then reading its customers' incoming emails to learn about its competitors and gain a commercial advantage. This is precisely the type of behavior that Congress wanted to prohibit when it updated the Wiretap Act in 1986, as part of the Electronic Communications Privacy Act (ECPA), to prohibit unauthorized interceptions of electronic communications. Congress's goal was to ensure that Americans enjoyed the same amount of privacy in their online communications as they did in the offline world. Just as eavesdroppers were not allowed to tap phones or plant "bugs" in order to listen in on our private conversations, we wanted to ensure that unauthorized eyes were not peering indiscriminately into our electronic communications.

ECPA was a careful, bipartisan and long-planned effort to protect electronic communications in two forms—from real-time monitoring or interception as they were being delivered, and from searches when they were stored in record systems. We recognized these as different functions and set rules for each based on the relevant privacy expectations and threats to privacy implicated by the different forms of surveillance.

The Councilman decision turned this distinction on its head. Functionally, the ISP in this case was intercepting emails as they were being delivered, yet the majority ruled that the relevant rules were those pertaining to stored communications, which do not apply to ISPs. The majority rejected the Government's argument that an

intercept occurs—and the Wiretap Act applies—when an email is acquired contemporaneously with its transmission, regardless of whether the transmission may have been in electronic storage for milliseconds at the time of the acquisition. As the dissenting judge found, the Government's interpretation of the Wiretap Act is consistent with Congressional intent and with the realities of electronic communication systems. I agree, and urge the Justice Department to continue to press this position in the courts. The Department has been a powerful proponent of privacy rights in this case, and I commend its efforts.

I also will be taking a close look at possible changes to the law to ensure that there is no room to skirt the wiretap provisions and engage in the type of privacy violation at issue in the Councilman case. We have an obligation to ensure that our laws keep up with technology, and it may be that advances in communications warrant change. It is imperative that we continue to safeguard privacy adequately in our modern information age.

In a world where Americans are already inundated with targeted mass marketing and mailings, the Councilman decision opens the door to even more invasive activity. With this kind of precedent, ISPs need not offer free services in exchange for reduced online privacy. They could simply snoop in secret, and their unsuspecting customers would never know.

The Councilman decision also opens the door to Government over-reaching. For practical reasons, surveillance devices are often installed at the point of millisecond-long temporary storage prior to an e-mail's arrival at its final destination. To date, law enforcement agencies have treated this as what it is—an interception—and have sought appropriate wiretap approval. But this decision allows law enforcement agents to potentially skip the rigors of the wiretap laws, and perhaps could unleash unrestrained use of search programs like Carnivore. This outcome belies the realities of electronic communications in today's society, undercuts Congress' intent, and is inconsistent with the current approach to such communications in law enforcement practice.

The Councilman decision creates an instant and enormous gap in privacy protection for email communications, and we need to address it swiftly and responsibly. I urge my colleagues to make this a top priority as we finish up the session. I ask unanimous consent to have printed in the RECORD four recent editorials and articles on this issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 2, 2004]
DERAIL E-MAIL SNOOPING

Imagine that your friendly local mail carrier, before delivering a letter for you, decides to steam it open and read its contents.

An outrageous and illegal infringement on your privacy, obviously. But a Federal appeals court in Boston has just permitted an Internet service provider to engage in exactly this kind of snooping when the message is sent in cyberspace rather than by snail mail. This ruling is an unnecessarily cramped parsing of a law that Congress meant to guard, not eviscerate, the privacy of communications. The Justice Department, whose prosecution of the ISP executive was thrown out by the appeals court, should seek a review of the ruling. If that doesn't work—if the Federal wiretapping law has been outpaced by the technology it was supposed to regulate—Congress should quickly step in to fix the glitch.

The wiretapping law makes it a crime to intentionally intercept "any wire, oral, or electronic communication." This language dates to 1986, when e-mail was at an embryonic stage but Congress, in an effort to account for and anticipate that and other technological changes, enacted the Electronic Communications Privacy Act.

The appeals court, however, ruled that opening and reading e-mails isn't covered by the wiretapping law because the messages weren't actually intercepted, as the law defines that term, but were, rather, in "electronic storage" and therefore covered by another, looser law. That finding stems from the peculiar nature of e-mail transmission, in which messages are briefly stored as they're transmitted from computer to computer. As the court itself acknowledged, that would leave little privacy for e-mail: "It may well be that the protections of the Wiretap Act have been eviscerated as technology advances."

In practical terms, the implications of the ruling are perhaps more troubling for the restraints it lifts on law enforcement than for the theoretical leeway it gives service providers to copy and read e-mails. The facts of the case were unusual: A small online company that sold out-of-print books and also provided free e-mail service wanted to peek at Amazon.com's sales strategy and copied all of Amazon's messages to the smaller company's customers. Mainstream ISPs have policies that eschew such spying, and the customer backlash that would ensure if they engaged in similar practices would probably deter them from doing so. But the ruling highlights the need for stringent privacy policies in which customers give clear—and informed—consent.

Of more concern, the case could make it far easier for law enforcement agents to engage in real-time monitoring of e-mail and similar traffic, like instant messaging, without complying with the strict rules applied to wiretaps. Under this reading of the law, agents would still need to show probable cause to obtain search warrants from a judge. But they wouldn't have to hew to the more exacting requirements of the wiretap law.

E-mail has become too ubiquitous, too central a facet of modern life, for this ruling to stand.

[From the New York Times, July 2, 2004]
INTERCEPTING E-MAIL

When you click on "send" to deliver that e-mail note to your lover, mother or boss, you realize that you are not communicating directly with that person. As you well know, you have stored the e-mail on the computer of your Internet service provider, which, as you also know, may read, copy and use the note for its own purposes before sending it on.

What, you didn't know all this? Sounds ludicrous? We would have thought so, too, but a Federal appeals court recently ruled that

companies providing e-mail services could read clients' e-mail notes and use them as they wish. Part of its rationale was that none of this would shock you because you have never expected much online privacy.

Count us among the shocked. The decision, on a 2-to-1 vote by a panel of the United States Court of Appeals for the First Circuit in Massachusetts, sets up a frightening precedent, one that must be reversed by the courts, if not the Congress. It's true that people are aware of some limits on online privacy, particularly in the workplace. But the notion that a company like America Online, essentially a common carrier, has the right to read private e-mail is ludicrous.

All major I.S.P.s, including AOL, say they have no interest in doing that and have privacy policies against it. The case before the First Circuit involved a small online bookseller, no longer in business, that also provided e-mail service. To learn about the competition, the company copied and reviewed all e-mail sent from Amazon.com to its e-mail users. One of its executives was indicted on an illegal-wiretapping charge.

Both the trial and appeals courts ruled that the Federal wiretap law, which makes it a crime to intercept any "wire, oral or electronic communication," did not apply because there had been no actual interception. Technically speaking, the judges held, the bookseller had simply copied e-mail notes stored on its servers, and different laws apply to the protection of stored communications.

These laws were drafted before e-mail emerged as a form of mass communication, so there is some ambiguity in how to apply them. But as the dissenting judge on the appellate panel noted, his two colleagues interpreted the wiretap statute far too narrowly. What's more, their analysis was predicated on the bizarre notion that our e-mail notes are not in transit once we send them, but in storage with an intermediary. The same logic would suggest that the postal service can read your letters while they are in "storage."

Americans' right to privacy will be seriously eroded if e-mail is not protected by wiretap laws. The implications of this erosion extend beyond the commercial realm. The government will also find it easier to read your e-mail if it does not have to get a wiretap order to do so. Congress ought to update the law to make it clear that e-mail is entitled to the same protection as a phone call.

COURT CREATES SNOOPERS' HEAVEN
(By Kim Zetter)

It was a little court case, but its impact on e-mail users could be huge.

Last week a Federal appeals court in Massachusetts ruled that an e-mail provider did not break the law when he copied and read e-mail messages sent to customers through his server.

Upholding a lower-court decision that the provider did not violate the Wiretap Act, the 1st U.S. Circuit Court of Appeals set a precedent for e-mail service providers to legally read e-mail that passes through a network.

The court ruled (PDF) that because the provider copied and read the mail after it was in the company's computer system, the provider did not intercept the mail in transit and, therefore, did not violate the Wiretap Act.

It's a decision that could have far-reaching effects on the privacy of digital communications, including stored voicemail messages.

In 1998, Bradford C. Councilman was the vice president of Interloc, a company selling rare and out-of-print books that offered book-dealer customers e-mail accounts

through its Web site. Unknown to those customers, Councilman had engineers write and install code on the company network that would copy any e-mail sent to customers from Amazon.com, a competitor in the rare-books field.

Although Councilman did not prevent customers from receiving their e-mail, he read thousands of copied messages to discover what books customers were seeking and gain a commercial advantage over Amazon. Interloc was later bought by Alibris, which was unaware that Councilman had installed the code on the system.

Councilman wasn't caught because customers complained about his actions; a tip about another, unrelated issue led authorities to discover what he had done.

But just what had Councilman done that was so bad?

Everyone knows that e-mail is an insecure form of communication. Like a postcard, unencrypted correspondence sent over the Internet is open to snooping by anyone.

Additionally, companies have the right to read their employees' e-mail, since the companies own the computer systems through which the correspondence passes, and employees send the mail on company time. And ISPs scan e-mail for viruses and spam all the time, before delivering the mail to the provider's customers.

But there is an expectation that service providers will access communications only with permission from customers, or when they need to do so to maintain their network. In fact, the Wiretap Act states that a provider shall not "intercept, disclose, or use" communication passing through its network "except for mechanical or service quality control checks."

In April, Google launched an e-mail program called Gmail that gives customers 1 GB of e-mail storage in exchange for letting Google's computers scan the content of incoming e-mails to seed them with related text ads. Gmail customers agree to let a computer read their e-mail.

In contrast, Councilman personally read customers' messages to undermine his competitors' business. He did so without customers' permission and with the knowledge that if his customers found out, his company would likely lose their business.

And yet the court found him innocent of violating the specific law under which authorities charged him.

The court ruled that because the mail was already on Councilman's computer network when he accessed it, he didn't intercept it in transit and therefore was not guilty under the Wiretap Act. The court said the mail was in storage at that point and, therefore, was governed under the Stored Communications Act.

In a similar case in 1991, the U.S. Secret Service seized three computers belonging to a company called Steve Jackson Games. The company, in addition to producing fantasy books and games, hosted an online bulletin board for gamers to communicate with one another. An employee of the company was under suspicion for activities conducted outside work, but the Secret Service confiscated his employer's computers as well. The Secret Service accessed, read and deleted 162 e-mail messages that were stored on the computers used for the bulletin board.

In a suit filed by the game company against the Secret Service, a federal district court found that while the Secret Service agents did not intercept the e-mail, and thus violate the Wiretap Act, they did violate the Stored Communications Act.

Pete Kennedy, the lawyer from the Texas-based firm that litigated the case, called the decision "a solid first step toward recognizing that computer communications

should be as well-protected as telephone communications."

The Stored Communications Act, along with the Wiretap Act, is part of the Electronic Communications Privacy Act, which protects electronic, oral and wire communications.

But because Councilman was charged under the Wiretap Act and not the Stored Communications Act, the court had to rule in his favor. But even if prosecutors had wanted to charge him under the Stored Communications Act, they could not have done so, since service providers are exempted under the Act.

What this means is that before the Councilman case, ISPs that read their customers' mail without permission could only have been prosecuted under the Wiretap Act. But now the Councilman case eliminates that possibility as well.

The problem with interpreting e-mail on an ISP's server as stored communication is that it opens the possibility for e-mail even outside the ISP to be viewed as stored e-mail.

At many points during its path from sender to recipient, e-mail passes through a number of computer systems and routers that temporarily store it in RAM while the system determines the next point to send it on the delivery route. Under the court's definition, an ISP could access, copy and read the mail at any of these points. Anyone who is not exempt under the Stored Communications Act, however, could still be charged under that law, though penalties for violating this law are less severe than penalties for violating the Wiretap Act.

Last week's ruling means that e-mail has fewer protections than phone conversations and postal mail. Granting e-mail providers the ability to read e-mail is equivalent to granting postal workers the right to open and read any mail while it's at a post office for sorting, but not while it's in transit between post offices or being hand-delivered to a recipient's home or business.

The ruling also has repercussions for voicemail messages, as long as certain provisions in the Patriot Act remain law.

Before the Patriot Act, the legal definition of wire communication included voicemail messages. This meant that authorities had to obtain a wiretap order to access voicemail messages or face charges of illegal interception under the Wiretap Act. Under the Patriot Act, however, the definition of wire communication changed. Voicemail messages are now considered stored communication, like e-mail. As a result, law enforcement authorities need only a search warrant to access voicemail messages, a much easier process than obtaining a wiretap order.

The provision in the Patriot Act that changed this is set to sunset in December 2005, but if the current administration has its way, the law will be renewed.

The changes in the Patriot Act, combined with the decision in the Councilman case, also mean that a phone company could now access voicemail messages without customers' permission and not be charged with intercepting the messages under the Wiretap Act. They also would not be charged under the Stored Communications Act, since they are exempt from this statute.

If all of this is hard to follow, it's just as confusing to the people who make their living interpreting the law.

"This is one of the most complex and convoluted areas of the law that you will run across," said Lee Tien, senior staff attorney for the Electronic Frontier Foundation. "The statutes themselves are not models of clarity. Even for the judges it's complicated, and then, on top of the statutes, you add the changing technology."

In the end, in the absence of laws to preserve privacy, the best solution for e-mail users to protect their privacy is to use encryption. But until encryption for voicemail messages becomes common, you'll have to settle for talking in tongues.

[From the New York Times, July 6, 2004]

YOU'VE GOT MAIL (AND COURT SAYS OTHERS CAN READ IT)

(By SAUL HANSELL)

When everything is working right, an e-mail message appears to zip instantaneously from the sender to the recipient's inbox. But in reality, most messages make several momentary stops as they are processed by various computers en route to their destination.

Those short stops may make no difference to the users, but they make an enormous difference to the privacy that e-mail is accorded under federal law.

Last week a Federal appeals court in Boston ruled that federal wiretap laws do not apply to e-mail messages if they are stored, even for a millisecond, on the computers of the Internet providers that process them—meaning that it can be legal for the government or others to read such messages without a court order.

The ruling was a surprise to many people, because in 1986 Congress specifically amended the wiretap laws to incorporate new technologies like e-mail. Some argue that the ruling's implications could affect emerging applications like Internet-based phone calls and Gmail Google's new e-mail service, which shows advertising based on the content of a subscriber's e-mail messages.

"The court has eviscerated the protections that Congress established back in the 1980's," said Marc Rotenberg, the executive director of the Electronic Privacy Information Center, a civil liberties group.

But other experts argue that the Boston case will have little practical effect. The outcry, said Stuart Baker, a privacy lawyer with Steptoe & Johnson in Washington, is "much ado about nothing."

Mr. Baker pointed out that even under the broadest interpretation of the law, Congress made it easier for prosecutors and lawyers in civil cases to read other people's e-mail messages than to listen to their phone calls. The wiretap law—which requires prosecutors to prove their need for a wiretap and forbids civil litigants from ever using them—applies to e-mail messages only when they are in transit.

But in a 1986 law, Congress created a second category, called stored communication, for messages that had been delivered to recipients' inboxes but not yet read. That law, the Stored Communications Act, grants significant protection to e-mail messages, but does not go as far as the wiretap law: it lets prosecutors have access to stored messages with a search warrant, while imposing stricter requirements on parties in civil suits.

Interestingly, messages that have been read but remain on the Internet provider's computer system have very little protection. Prosecutors can typically gain access to an opened e-mail message with a simple subpoena rather than a search warrant. Similarly, lawyers in civil cases, including divorces, can subpoena opened e-mail messages.

The case in Boston involved an online bookseller, now called Alibris. In 1998, the company offered e-mail accounts to book dealers and, hoping to gain market advantage, secretly copied messages they received from Amazon.com. In 1999, Alibris and one employee pleaded guilty to criminal wiretapping charges.

But a supervisor, Bradford C. Councilman, fought the charges, saying he did not know

about the scheme. He also moved to have the case dismissed on the ground that the wiretapping law did not apply. He argued that because the messages had been on the hard drive of Alibris's computer while they were being processed for delivery, they counted as stored communication. The wiretap law bans a company from monitoring the communications of its customers, except in a few cases. But it does not ban a company from reading customers' stored communications.

"Congress recognized that any time you store communication, there is an inherent loss of privacy," said Mr. Councilman's lawyer, Andrew Good of Good & Cormier in Boston.

In 2003, a Federal district court in Boston agreed with Mr. Councilman's interpretation of the wiretap law and dismissed the case. Last week, the First Circuit Court of Appeals, in a 2-to-1 decision, affirmed that decision.

Because most major Internet providers have explicit policies against reading their customers' e-mail messages, the ruling would seem to have little effect on most people.

But this year Google is testing a service called Gmail, which electronically scans the content of the e-mail messages its customers receive and then displays related ads. Privacy groups have argued that the service is intrusive, and some have claimed it violates wiretap laws. The Councilman decision, if it stands, could undercut that argument.

Federal prosecutors, who often argue that wiretap restrictions do not apply in government investigations, were in the somewhat surprising position of arguing that those same laws should apply to Mr. Councilman's conduct. A spokesman for the United States attorney's office in Boston said the department had not decided whether to appeal.

Mr. Baker said that another Federal appeals court ruling, in San Francisco, is already making it hard for prosecutors to retrieve e-mail that has been read and remains on an Internet provider's system.

In that case, *Theofel v. Farey-Jones*, a small Internet provider responded to a subpoena by giving a lawyer copies of 339 e-mail messages received by two of its customers.

The customers claimed the subpoena was so broad it violated the wiretap and stored communication laws. A district court agreed the subpoenas were too broad, but ruled they were within the law. The plaintiffs appealed, and the Justice Department filed a friend of the court brief arguing that the Stored Communications Act should not apply.

In February, the appeals court ruled that e-mail stored on the computer server of an Internet provider is indeed covered by the Stored Communications Act, even after it has been read. The court noted that the act refers both to messages before they are delivered and to backup copies kept by the Internet provider. "An obvious purpose for storing a message on an I.S.P.'s server after delivery," the court wrote, "is to provide a second copy of the message in the event that the user needs to download it again—if, for example, the message is accidentally erased from the user's own computer."

Calling e-mail "stored communication" does not necessarily reduce privacy protections for most e-mail users. While the Councilman ruling would limit the applicability of wiretap laws to e-mail, it appears to apply to a very small number of potential cases. The Theofel decision, by contrast, by defining more e-mail as "stored communications," is restricting access to e-mail in a wide range of cases in the Ninth Circuit, and could have a far greater effect on privacy of

courts in the rest of the country follow that ruling.

ADDITIONAL STATEMENTS

IBM AND THE RESEARCH TRIANGLE PARK

• Mrs. DOLE. Mr. President, when IBM joined the Research Triangle Park as its first major tenant in 1965, this company helped establish the Research Triangle Park as the premier technological, biotech, and economic development powerhouse for North Carolina.

Today I thank and congratulate IBM for its decades of support and investment in the Research Triangle Park and the surrounding communities in North Carolina. As the largest employer in the Triangle Park, IBM is an excellent example of corporate citizenship that provides dependable, high-paying jobs in both the area and worldwide.

With over 13,000 jobs in the Triangle Park alone, the largest concentration of IBM jobs worldwide, IBM uses the graduates and resources from the State's extensive college and university system. IBM invests in our State by helping to keep North Carolina talent at home.

Please join me and other North Carolina leaders in congratulating IBM on its commitment to build a better company for our region and wishing IBM and the Research Triangle Park ongoing success as they broaden their partnership with the people of my home State. •

MESSAGE FROM THE HOUSE

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4754. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4754. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2629. A bill to amend the Medicare Prescription Drug, Improvement, and Mod-

ernization Act of 2003 to eliminate the coverage gap, to eliminate HMO subsidies, to repeal health savings accounts, and for other purposes.

S. 2630. A bill to amend title 5, United States Code to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to individuals who are not Federal employee, and for other purposes.

S. 2631. A bill to require the Federal Trade Commission to monitor and investigate gasoline prices under certain circumstances.

S. 2632. A bill to establish a first responder and terrorism preparedness grant information hotline, and for other purposes.

S. 2633. A bill to amend the Federal Power Act to provide refunds for unjust and unreasonable charges on electric energy in the State of California.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERTS, from the Select Committee on Intelligence:

Special Report entitled "Report of the Select Committee on Intelligence on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq" (Rept. No. 108-301). Additional views filed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred to as indicated:

By Mr. LEAHY:

S. 2636. A bill to criminalize Internet scams involving fraudulently obtaining personal information, commonly known as phishing; to the Committee on the Judiciary.

By Mr. GRAHAM of South Carolina:

S. 2637. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HARKIN (for himself, Mr. COCHRAN, Mr. ROBERTS, Mr. DASCHLE, Mr. CRAPO, Mr. FITZGERALD, Mr. CONRAD, Mr. COLEMAN, Mr. LEAHY, Mrs. LINCOLN, Mr. KOHL, Mrs. CLINTON, Mr. JOHNSON, Mr. DORGAN, Mr. LUGAR, and Mr. DAYTON):

Res. 402. A resolution expressing the sense of the Senate with respect to the 50th anniversary of the food aid programs established under the Agricultural Trade Development and Assistance Act of 1954; considered and agreed to.

By Ms. SNOWE (for herself, Mr. MCCAIN, Mr. HOLLINGS, Mr. DODD, Mr. KENNEDY, Mr. CHAFEE, Mrs. BOXER, Mrs. COLLINS, Mr. FITZGERALD, Mr. REED, Mr. CORZINE, Mr. JEFFORDS, Mr. WYDEN, Mr. BIDEN, and Mr. LIEBERMAN):

S. Con. Res. 122. A concurrent resolution expressing the sense of the Congress regarding the policy of the United States at the

56th Annual Meeting of the International Whaling Commission; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 1411

At the request of Mr. KERRY, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1890

At the request of Mr. ENZI, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1890, a bill to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

S. 2313

At the request of Mr. GRAHAM of Florida, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2313, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 2338

At the request of Mr. BOND, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2338, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 2340

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2340, a bill to reauthorize title II of the Higher Education Act of 1965.

S. 2412

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2412, to expand Parents as Teachers programs and other programs of early childhood home visitation, and for other purposes.

S. 2526

At the request of Mr. BOND, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2568

At the request of Mr. BIDEN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 2636. A bill to criminalize Internet scams involving fraudulently obtaining personal information, commonly known as phishing; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am introducing a bill, the Anti-Phishing Act of 2004, that targets a large and growing class of crime that is spreading across the Internet.

Phishing is a rapidly growing class of identity theft scams on the Internet that is causing both short-term losses and long-term economic damage.

In the short-term, these scams defraud individuals and financial institutions. Some estimates place the cost of phishing at over two billion dollars just over the last 12 months.

In the long run, phishing undermines the Internet itself. By making consumers uncertain about the integrity of the Internet's complex addressing system, phishing threatens to make us all less likely to use the Internet for secure transactions. If you can't trust where you are on the web, you are less likely to use it for commerce and communications.

Phishing is spelled "P-H-I-S-H-I-N-G." Those well-versed in popular culture may guess that it was named after the phenomenally popular Vermont band, Phish. But phishing over the Internet was in fact named from the sport of fishing, as an analogy for its technique of luring Internet prey with convincing email bait. The "F" is replaced by a "P-H" in keeping with a computer hacker tradition.

Phishing attacks usually start with emails that are, in Internet jargon, "spoofed." That is, they are made to appear to be coming from some trusted financial institution or commercial entity. The spoofed email usually asks the victim to go to a website to confirm or renew private account information. These emails offer a link that appears to take the victim to the website of the trusted institution. In fact the link takes the victim to a sham website that is visually identical to that of the trusted institution, but is in fact run by the criminal. When the victim takes the bait and sends their account information, the criminal uses it—sometimes within minutes—to transfer the victim's funds or to make purchases. Phishers are the new con artists of cyberspace.

To give an idea of how easy it is to be fooled, we have reproduced some recent phishing charts, with the help of the Anti-Phishing Working Group. These are just two examples of a problem that affects countless companies. The website on the right is an actual website of MBNA, a well-established financial institution and credit card issuer. On the left is a recently discovered phishing site that mimicked the MBNA site.

As you can see, the two websites are practically identical. Both have the MBNA logo, and both have the same graphics, in the same layout. But if you end up going to the website on the

left, when you enter your account information, you are giving it to an identity thief.

As another example, the next two websites both appear to be from eBay. Again, the one on the right is from the genuine website. The one on the left is a fake website that is controlled by a phisher. As you can see, if you end up at the website on the left, it would be next to impossible to know that you are not at the real eBay website. Informed Internet users can avoid this problem if they simply use their web browser to go to the website, instead of using a link sent to them in an email, but far too many people do not do this.

This is a growing problem. Phishing is on the rise. In recent months there has been an explosion of these types of attacks. As you can see from the next chart, these attacks are growing at an alarming rate. Roughly one million Americans already have been victims of phishing attacks.

And phishing attacks are increasingly sophisticated. Early phishing attacks were by novices, but there is evidence now that some attacks are backed by organized crime. And some attacks these days include spyware, which is software that is secretly installed on the victim's computer, which waits to capture account information when the victim even goes to legitimate websites.

Phishers also have become more sophisticated in how they cast their huge volumes of email bait on the Internet waters. Security experts recently discovered that vast networks of home computers are being hijacked by hackers using viruses, and then they are rented to phishers—all without the knowledge of the owners of these home computers.

Some phishers can be prosecuted under wire fraud or identity theft statutes, but often these prosecutions take place only after someone has been defrauded. Moreover, the mere threat of phishing attacks undermines everyone's confidence in the Internet. When people cannot trust that websites are what they appear to be, they will not use the Internet for their secure transactions. So traditional wire fraud and identity theft statutes are not sufficient to respond to phishing.

The Anti-Phishing Act of 2004 protects the integrity of the Internet in two ways. First, it criminalizes the bait. It makes it illegal to knowingly send out spoofed email that links to sham websites, with the intention of committing a crime. Second, it criminalizes the sham websites that are the true scene of the crime.

It makes it illegal to knowingly create or procure a website that purports to be a legitimate online business, with the intent of collecting information for some criminal purpose.

There are important First Amendment concerns to be protected. The Anti-Phishing Act protects parodies and political speech from being prosecuted as Phishing.

We have worked closely with various public interest organizations to ensure that the Anti-Phishing Act does not impinge on the important democratic role that the Internet plays.

To many Americans, phishing is a new word. It certainly is a new form of an old crime. It also is a serious crime, and we need to act aggressively to keep phishing from infecting the Internet and from eroding the public's trust in online commerce and communication. I look forward to working with others in the Senate in addressing this growing threat to the Internet, with effective and responsible action.

Again, this is called the Anti-Phishing Act. It targets a large and growing class of crime that is spreading across the Internet.

Phishing is a rapidly growing class of identity theft scams. It causes both short-term losses, but long-term economic problems. In the short-term, these scams defraud individuals and financial institutions.

To give some idea that this is not a minor matter, some estimates place the cost of phishing at over \$2 billion over the last 12 months. You can imagine the outcry in this country if they said we had \$2 billion worth of bank robberies in that same period of time. But it is not only the economic loss that undermines the Internet itself; it makes consumers uncertain about the integrity of the Internet's complex addressing system. It makes us all less apt to use it for commerce and communication, because if you cannot trust where you are on the Web, you are not going to use it for commerce or communication.

Incidentally, fishing is spelled P-H-I-S-H-I-N-G. Those who are well versed in popular culture might think it was named after the phenomenally popular Vermont band called Phish. But phishing over the Internet was named for the sport of fishing, as an analogy for its technique of luring Internet prey with a convincing e-mail bait. The "F" was replaced by "PH" in keeping with computer hacker tradition.

Phishing usually starts with e-mails that are, in Internet jargon, "spoofed." They appear to come from some trusted commercial entity or financial institution. The spoofed e-mail asks the victim to go to a Web site and confirm their identity, in effect, their Social Security number, credit card numbers, and so on. What it does is, the victim thinks they are going to a trusted institution, perhaps one they have dealt with for years. Instead, it takes them to a sham Web site that is visually identical to that of the trusted institution, but it is run by a criminal. When the victim takes the bait, when they send their account information, of course, the criminal uses it. Sometimes they use it within minutes. They can transfer the victim's funds or make purchases. These phishers are new con artists of cyberspace.

I will give you an idea of how easy it is to do it. Here on this chart we have

the genuine Web site. We actually had to mark them as "genuine Web site" and "fake Web site" because they look so identical. I am a heavy user of the Internet, and I could not tell them apart. On the other side, of course, is the fake Web site. They both have the MBNA logo. That is a trusted financial institution. They have the same graphic layout.

Suppose you were a customer of MBNA and they asked you to put your user name in, your password, and so on, and you go on there and they would continue to ask information. You would have given up your account number, whatever ID number you use, and it could be 20 minutes later, when you go on the right site and you want to withdraw some money or make a cash transfer, you may find it is all gone in that short time.

In fact, we also have a chart for eBay. I wasn't going to show it, but it is worthwhile, I think. We will show the two from eBay. Again, I have had them marked "genuine Web site" and "fake Web site." Here is the genuine one. For those who use PayPal, it is increasingly used if you are using eBay. Anybody who has done that is well aware of PayPal. It is something you could be safe with, you know where your money is going, you know who is handling it, and you know you are going to get paid for something you might have sold.

Look what we have here. When you look at it, it is hard to tell the difference. Of course, the internal address is different. What do you do? You send money, you pay money, you are supposed to receive money. You are not going to do it. Somebody else is going to do it and they are going to walk off not only with your money but with your trust of the Internet.

That is why it is important that we do this, that we have some way of criminalizing this. We have in every one of our States businesses that thrive and survive because they can use the Internet. This is trying to stop them. Again, we must address this growing threat to Internet users.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 402—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE 50TH ANNIVERSARY OF THE FOOD AID PROGRAMS ESTABLISHED UNDER THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

Mr. HARKIN (for himself, Mr. COCHRAN, Mr. ROBERTS, Mr. DASCHLE, Mr. CRAPO, Mr. FITZGERALD, Mr. CONRAD, Mr. COLEMAN, Mr. LEAHY, Mrs. LINCOLN, Mr. KOHL, Mrs. CLINTON, Mr. JOHNSON, Mr. DORGAN, Mr. LUGAR, and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 402

Whereas, in the aftermath of the Second World War, many countries did not have sufficient cash to buy the agricultural commodities needed to feed the people of those countries, especially in war-torn Europe and Asia;

Whereas, during the term of President Dwight David Eisenhower, it became apparent that the abundance of food available in the United States could be used as an instrument in building a durable peace after the Second World War;

Whereas a concessional credit program was established under title I of the Agricultural Trade Development and Assistance Act of 1954 (commonly known as "P.L. 480") (7 U.S.C. 1701 et seq.), signed into law on July 10, 1954, to allow for sales of agricultural commodities from the United States to developing countries for dollars on generous credit terms or for local currencies, with proceeds to be used by participating governments or nongovernmental private entities to encourage economic development;

Whereas since the enactment of the Agricultural Trade Development and Assistance Act of 1954, the title I program has facilitated sales of agricultural commodities from the United States, totaling an estimated \$30,000,000,000 to nearly 100 countries;

Whereas the Food for Peace program was established under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), to provide humanitarian assistance to poor and hungry people in developing countries, based on legislation originally introduced by Senator Hubert Humphrey;

Whereas during the half-century since the establishment of the Food for Peace program, the United States Agency for International Development and the Department of Agriculture have worked together to provide 107,000,000 tons of food aid to developing countries, helping an estimated 3,400,000,000 people through 2003;

Whereas the government of the United States has depended on the commitment, skill, and experience of dozens of private voluntary organizations based in the United States, as well as the United Nations World Food Program, to carry out the Food for Peace program on the ground in developing countries; and

Whereas a number of countries that were early beneficiaries of both programs have emerged as democracies and strong commercial trading partners, including South Korea, Taiwan, the Philippines, Thailand, Malaysia, Singapore, Mexico, and Turkey, in part as a result of development projects and food distribution programs conducted using agricultural commodities from the United States: Now, therefore, be it

Resolved, That the Senate—

(1) on the 50th anniversary of the date of enactment of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) on July 10, 1954, recognizes the United States Agency for International Development, the Department of Agriculture, and associated partners for—

(A) providing emergency food assistance to address famine or other extraordinary relief requirements;

(B) forging linkages between the abundance of food produced under the agricultural system of the United States and people in need of assistance throughout the world;

(C) undertaking activities to alleviate hunger;

(D) promoting economic, agricultural, educational, and community development in developing countries;

(E) identifying the private partners capable of carrying out the mission of the programs established under that Act;

(F) implementing procedures governing the use and evaluation of the programs and funds; and

(G) overseeing the use of taxpayers dollars to carry out the programs; and

(2) declares that July 10, 2004, is a day that recognizes—

(A) the 50th anniversary of the establishment of the concessional credit program and the Food for Peace program under the Agricultural Trade and Development Act of 1954 (7 U.S.C. 1691 et seq.); and

(B) the accomplishments of the United States Agency for International Development, the Department of Agriculture, and associated private voluntary organization and nongovernmental organization partners in alleviating hunger and poverty, bolstering development, and restoring hope around the world.

SENATE CONCURRENT RESOLUTION 122—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE POLICY OF THE UNITED STATES AT THE 56TH ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

Ms. SNOWE (for herself, Mr. MCCAIN, Mr. HOLLINGS, Mr. DODD, Mr. KENNEDY, Mr. CHAFEE, Mrs. BOXER, Ms. COLLINS, Mr. FITZGERALD, Mr. REED, Mr. CORZINE, Mr. JEFFORDS, Mr. WYDEN, Mr. BIDEN, AND Mr. LIEBERMAN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 122

Whereas whales have very low reproductive rates, making many whale populations extremely vulnerable to pressure from commercial whaling;

Whereas whales migrate throughout the world's oceans and international cooperation is required to successfully conserve and protect whale stocks;

Whereas in 1946 a significant number of the nations of the world adopted the International Convention for the Regulation of Whaling, which established the International Whaling Commission to provide for the proper conservation of whale stocks;

Whereas in 2003 the Commission established a Conservation Committee, open to all members of the Commission, for the purpose of facilitating efficient and effective coordination and development of conservation recommendations and activities, which are fully consistent with the conservation objectives stated in the 1946 Convention;

Whereas the Commission adopted a moratorium on commercial whaling in 1982 in order to conserve and promote the recovery of whale stocks, many of which had been hunted to near extinction by the commercial whaling industry;

Whereas the Commission has designated the Indian Ocean and the ocean waters around Antarctica, as whale sanctuaries to further enhance the recovery of whale stocks;

Whereas many nations of the world have designated waters under their jurisdiction as whale sanctuaries where commercial whaling is prohibited, and additional regional whale sanctuaries have been proposed by nations that are members of the Commission;

Whereas two member nations currently have reservations to the Commission's moratorium on commercial whaling, and one member nation is currently conducting commercial whaling operations in spite of the moratorium and the protests of other nations;

Whereas the Commission has adopted several resolutions at recent meetings asking member nations to halt commercial whaling activities conducted under reservation to the moratorium and to refrain from issuing special permits for research involving the killing of whales;

Whereas one member nation of the Commission has taken a reservation to the Commission's Southern Ocean Sanctuary and also continues to conduct unnecessary lethal scientific whaling in the Southern Ocean and in the North Pacific Ocean;

Whereas one member nation of the Commission has taken a reservation to the Commission's Southern Ocean Sanctuary and also continues to conduct unnecessary lethal scientific whaling in the Southern Ocean and in the North Pacific Ocean;

Whereas whale meat and blubber is being sold commercially from whales killed pursuant to such unnecessary lethal scientific whaling, further undermining the moratorium on commercial whaling;

Whereas the Commission's Scientific Committee has repeatedly expressed serious concerns about the scientific need for such lethal research and recognizes the importance of demonstrating and expanding the use of non-lethal scientific research methods;

Whereas last year one member nation unsuccessfully sought an exemption allowing commercial whaling of up to 150 minke whales and 150 Bryde's whales, contrary to the moratorium and without review of the scientific committee, and continues to seek avenues to allow lethal takes of whales by vessels from specific communities in a manner that would undermine the moratorium on commercial whaling;

Whereas more than 8500 whales have been killed in lethal scientific whaling programs since the adoption of the commercial whaling moratorium and the lethal take of whales under scientific permits has increased both in quantity and species, with species now including minke, Bryde's, sei, and sperm whales; and

Whereas engaging in commercial whaling under reservation and lethal scientific whaling undermines the conservation program of the Commission: Now, therefore, be it Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) at the 56th Annual Meeting of the International Whaling Commission the United States should—

(A) remain firmly opposed to commercial whaling;

(B) support the purposes and functions of the Conservation Committee, which provides a system for ensuring good governance of the Commission's conservation activities;

(C) initiate and support efforts to ensure that all activities conducted under reservations to the Commission's moratorium or sanctuaries are ceased;

(D) oppose the unnecessary lethal taking of whales for scientific purposes, seek support for expanding the use of non-lethal research methods, and seek to end the sale of whale meat and blubber from whales killed for unnecessary lethal scientific research;

(E) seek the Commission's support for specific efforts by member nations to end trade in whale meat;

(F) support the permanent protection of whale populations through the establishment of whale sanctuaries in which commercial whaling is prohibited; and

(G) support efforts to expand data collection on whale populations, monitor and reduce whale bycatch and other incidental impacts, and otherwise expand whale conservation efforts; and

(2) the United States should make full use of all appropriate diplomatic mechanisms,

relevant international laws and agreements, and other appropriate mechanisms to implement the goals set forth in paragraph (1).

The PRESIDING OFFICER. The majority leader.

AMENDING THE E-GOVERNMENT ACT OF 2002

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 610, H.R. 1303.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 610) to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1303) was read the third time and passed.

50TH ANNIVERSARY OF THE FOOD AID PROGRAM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 402, which was submitted earlier today by Senators HARKIN and COCHRAN.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 402) expressing the sense of the Senate with respect to the 50th anniversary of the Food Aid Program established under the Agricultural Trade Development and Assistance Act of 1954.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Mr. President, in recognition of the 50th anniversary of the Food for Peace and concessional credit programs established in the Agricultural Trade and Development Act of 1954 enacted on July 10, 1954, Senator COCHRAN and I are submitting a Senate Resolution to honor those programs' many achievements over the past half century.

The 83rd Congress, working with the Eisenhower administration, recognized that the productive capacity of the U.S. agricultural sector was outstripping the food and feed needs of our domestic economy and that citizens of many war-torn countries had need for our food but could not afford to pay for it. They saw that the abundance of food available in the United States could be utilized as an instrument in building a durable peace after the Second World War.

Through the past 50 years, the various programs established under the Agricultural Trade and Development

Act of 1954, known as P.L. 480, have helped billions of people in developing countries. According to USDA estimates, the Title I program, which provides concessional credit to developing countries to purchase U.S. agricultural commodities, has enabled the sale of \$30 billion worth of commodities to nearly 100 countries. In addition, the Food for Peace program, authorized under the provisions of Title II of the Act, has helped an estimated 3.4 billion people through 2003. These figures represent accomplishments we should be proud of.

Behind these figures lie many years of commitment and hard work by employees of the U.S. Agency for International Development, the U.S. Department of Agriculture and their partners in private voluntary organizations and intergovernmental organizations such as Catholic Relief Services, CARE, World Vision, and the UN's World Food Program. Their crucial efforts include delivering food and development projects on the ground in developing countries, assembling and shipping commodities from the United States under the program, and evaluating project requests and monitoring the programs in Washington, DC. The successful implementation of the programs also requires the cooperation of governments and non-governmental organizations in the developing countries in which the projects occur.

With such a record of achievement in the past half century, it is crucial that Members of Congress and the administration do all they can to make sure these programs remain vigorous over the next half century and beyond.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 402) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 402

Whereas, in the aftermath of the Second World War, many countries did not have sufficient cash to buy the agricultural commodities needed to feed the people of those countries, especially in war-torn Europe and Asia;

Whereas, during the term of President Dwight David Eisenhower, it became apparent that the abundance of food available in the United States could be used as an instrument in building a durable peace after the Second World War;

Whereas a concessional credit program was established under title I of the Agricultural Trade Development and Assistance Act of 1954 (commonly known as "P.L. 480") (7 U.S.C. 1701 et seq.), signed into law on July 10, 1954, to allow for sales of agricultural commodities from the United States to developing countries for dollars on generous credit terms or for local currencies, with proceeds to be used by participating govern-

ments or nongovernmental private entities to encourage economic development;

Whereas since the enactment of the Agricultural Trade Development and Assistance Act of 1954, the title I program has facilitated sales of agricultural commodities from the United States, totaling an estimated \$30,000,000,000 to nearly 100 countries;

Whereas the Food for Peace program was established under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), to provide humanitarian assistance to poor and hungry people in developing countries, based on legislation originally introduced by Senator Hubert Humphrey;

Whereas during the half-century since the establishment of the Food for Peace program, the United States Agency for International Development and the Department of Agriculture have worked together to provide 107,000,000 tons of food aid to developing countries, helping an estimated 3,400,000,000 people through 2003;

Whereas the government of the United States has depended on the commitment, skill, and experience of dozens of private voluntary organizations based in the United States, as well as the United Nations World Food Program, to carry out the Food for Peace program on the ground in developing countries; and

Whereas a number of countries that were early beneficiaries of both programs have emerged as democracies and strong commercial trading partners, including South Korea, Taiwan, the Philippines, Thailand, Malaysia, Singapore, Mexico, and Turkey, in part as a result of development projects and food distribution programs conducted using agricultural commodities from the United States: Now, therefore, be it

Resolved, That the Senate—

(1) on the 50th anniversary of the date of enactment of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) on July 10, 1954, recognizes the United States Agency for International Development, the Department of Agriculture, and associated partners for—

(A) providing emergency food assistance to address famine or other extraordinary relief requirements;

(B) forging linkages between the abundance of food produced under the agricultural system of the United States and people in need of assistance throughout the world;

(C) undertaking activities to alleviate hunger;

(D) promoting economic, agricultural, educational, and community development in developing countries;

(E) identifying the private partners capable of carrying out the mission of the programs established under that Act;

(F) implementing procedures governing the use and evaluation of the programs and funds; and

(G) overseeing the use of taxpayers dollars to carry out the programs; and

(2) declares that July 10, 2004, is a day that recognizes—

(A) the 50th anniversary of the establishment of the concessional credit program and the Food for Peace program under the Agricultural Trade and Development Act of 1954 (7 U.S.C. 1691 et seq.); and

(B) the accomplishments of the United States Agency for International Development, the Department of Agriculture, and associated private voluntary organization and nongovernmental organization partners in alleviating hunger and poverty, bolstering development, and restoring hope around the world.

SUPPORTING THE GOALS OF NATIONAL MARINA DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Res. 361 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 361) supporting the goals of National Marina Day and urging marinas to continue providing environmentally friendly gateways to boating.

There being no objection, the Senate proceed to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 361) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 361

Whereas the people of the United States highly value their recreational time and their ability to access the waterways of the United States, one of the Nation's greatest natural resources;

Whereas in 1928, the National Association of Engine and Boat Manufacturers first used the word "marina" to describe a recreational boating facility;

Whereas the United States is home to more than 12,000 marinas that contribute substantially to local communities by providing safe and reliable gateways to boating;

Whereas the marinas of the United States serve as stewards of the environment and actively seek to protect the waterways that surround them for the enjoyment of this generation and generations to come;

Whereas the marinas of the United States provide communities and visitors with a place where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation; and

Whereas the Marina Operators Association of America has designated August 14, 2004, as "National Marina Day" to increase awareness among citizens, policymakers, and elected officials about the many contributions that marinas make to communities: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of National Marina Day; and

(2) urges that the marinas of the United States continue to provide environmentally friendly gateways to boating for the people of the United States.

MEASURES PLACED ON THE CALENDAR—S. 2629, S. 2630, S. 2631, S. 2632, S. 2633

Mr. FRIST. Mr. President, I understand there are five bills due for a second reading. I ask unanimous consent that the clerk read the titles for a second time en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2629) to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate the coverage gap, to eliminate HMO subsidies, to repeal health savings accounts, and for other purposes.

A bill (S. 2630) to amend title 5, United States Code, to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to individuals who are not Federal employees, and for other purposes.

A bill (S. 2631) to require the Federal Trade Commission to monitor and investigate gasoline prices under certain circumstances.

A bill (S. 2632) to establish a first responder and terrorism preparedness grant information hotline, and for other purposes.

A bill (S. 2633) to amend the Federal Power Act to provide refunds for unjust and unreasonable charges on electric energy in the State of California.

Mr. FRIST. Mr. President, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection is heard, and the bills will be placed on the calendar.

FEDERAL MARRIAGE AMENDMENT—MOTION TO PROCEED

Mr. FRIST. Mr. President, I now move to proceed to Calendar No. 620, S.J. Res. 40. I ask unanimous consent that the motion be set aside to recur on Monday, July 12.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Is this the matter—

The PRESIDING OFFICER. Is there objection?

Mr. REID. Asking through the Chair a question to the majority leader, is this the matter we are going to be working on next week?

Mr. FRIST. It is.

Mr. REID. I have worked a lot this afternoon and this morning clearing with our Members the fact that it would not be necessary that we deal with cloture on the motion to proceed. We have cleared that. We would also be in a position to have no amendments on the constitutional amendment that we are going to debate next week. Whatever the majority believes to be a reasonable time to debate that, we will be in agreement with that and have a vote on the resolution. We are cleared on our side to do that.

We would hope, if the majority leader can get a clearance on that, we can move forward and have a definite time sometime next week for a vote on the resolution itself. We are ready to move forward on it.

Yesterday, we believed it was necessary that we have the leader file this cloture motion on the motion to proceed, but we will not need that now. We are ready to rock and roll on the debate of this issue.

Mr. FRIST. Mr. President, for the benefit of our colleagues, we are talk-

ing about the issue surrounding marriage and the constitutional amendment and procedurally how best to address the issue. We have had debate and discussion over the course of the day. Because of the late hour, I was not able to talk to the managers on our side and have the same discussions as the other side has had as far as the best way to address the issue procedurally. Because of the late hour, I have not been able to reach our managers of the bill, but over the course of the weekend we will do that.

For the benefit of our colleagues, we will substantively be debating the issue Monday and Tuesday. In all likelihood, we will have a vote on Wednesday through one of the two modes that have been mentioned, but we will make a final decision Monday morning after we have had the opportunity to talk to the managers on our side as well.

Mr. REID. I simply state again, procedurally we are not going to be in the way. We are ready to move forward.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. If I could ask one other question before the majority leader begins to speak, are we going to have any votes on Monday? I have gotten a number of requests through Senator DASCHLE.

Mr. FRIST. We will not be voting on Monday. We will have no rollcall votes in Monday's session.

Mr. REID. We are coming in to debate the issue?

Mr. FRIST. Let me go ahead and do the unanimous consent, and then I will make another statement that is unrelated.

Mr. REID. Certainly.

ORDERS FOR MONDAY, JULY 12, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Monday, July 12. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to S.J. Res. 40; provided further that the time until 6 p.m. be equally divided between the chairman and ranking member or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JOBS BILL

Mr. FRIST. Mr. President, in a few moments, I am going to be making another statement before closing, but before doing that, I want to point out to our colleagues that over the course of today, there have been a number of meetings held between both sides of the aisle and leadership to keep moving along issues that are important to this body and to the American people.

One of the bills that the assistant Democratic leader and myself and the Democratic leader and our leadership addressed earlier this morning is the jobs in manufacturing bill, the FSC/ETI bill, and the efforts that we are making to move toward conference. This bill has passed the Senate, it has passed the House of Representatives, and now we are doing our best to address how to get to conference. This is a time-sensitive matter because the tariffs on U.S. products are increasing.

Since we passed the Senate bill and the House bill, these tariffs, which started at 5 percent in March and reached 9 percent on July 1, continue to increase at 1 percent a month.

We spent 14 days debating the bill. We had 100 amendments, made real progress, and now it is important that we go to conference to fully address and resolve the differences between the House and the Senate bills. For the benefit of all of our colleagues, I wanted to let them know that we are in constant discussion about how best to get to conference.

HIV/AIDS

Mr. FRIST. Mr. President, I want to very briefly, before bringing us formally an end to this week, address an issue that sits on the back burner all too often. It is an issue that affects mankind globally in a very direct way, in a moral sense. It is the HIV/AIDS virus. I speak today because on Tuesday of this week, UNAIDS released a comprehensive report on the spread of global HIV/AIDS.

This little, tiny virus, which people knew nothing about 23 years ago, has killed over 23 million people. The sobering statistics that were released this week are grim. Last year, the number of newly infected victims reached an all-time high of 5 million. The number of people living with this little virus has gone up in nearly every region of the world. The numbers have increased. The UNAIDS chief told the Associated Press:

The virus is running faster than all of us.

Every 14 seconds a child is orphaned by AIDS. According to the U.N. report:

An estimated 15 million children under the age of 18 worldwide have lost one or both parents to AIDS.

In Swaziland and in Botswana, over a third of the population, one in three people, has the HIV virus. One-third of the country, if not treated, will end up dying from a terrible, a painful, and an entirely preventable disease.

One out of three people in Swaziland and Botswana, these are staggering numbers. It is hard to comprehend. When you hear the statistics, it is hard to relate them to real people on the ground. I have had the opportunity to do just that because each year I travel, not as a Senator but as a physician, to Africa. While I am there, I see the devastation in real people's eyes and lives, the destruction of the family, the destruction of the most productive fabric

of society—dying, disappearing because of this little virus.

Every time I go to Africa—last year I was there in September—I am overwhelmed by the devastation this little vicious virus causes. To me, and I know to the distinguished Senator occupying the chair now, who also has spent his life studying disease and viruses and the like, it is remarkable because in 1983 we didn't know this thing existed. It probably didn't really exist as we know it today in the United States of America in 1983, when both I and probably the distinguished Senator in the chair were not that old. I was in my training at the time. To think that little virus is devastating the world in the way it has over a 21-year period is just unbelievable to me.

If you walk through a village in Africa, or parts of Africa, it becomes apparent what this virus is doing. You see older people and you see little kids running around. What you do not see is people from about 19 years of age to 28 or 30 years of age, or 35, right through that age. That whole layer of the population has been wiped out by this virus. That segment is also usually the most productive, strongest part of a society and it is just wiped out.

The young boys and girls you see running around, if you project that out, are left to fend for themselves. They might live with their grandparents or great-grandparents, but they generally don't have the sort of mentors which that age would otherwise be provided. Mature beyond their years, these little kids watch hopelessly as their parents die, as their uncles die, as their aunts die. When I say 35 percent of the population has HIV/AIDS, that is what it means when you are on the ground.

That is depressing. That is the depressing part. Despite that depressing picture, there is a lot of hope. If you look in countries such as Brazil and Thailand, there has been a real success in keeping those infection rates down. Uganda has achieved remarkable success.

President Museveni, from Uganda, was here a few weeks ago. I had the opportunity to speak with him about their success. They have used some innovative programs. They have really pioneered programs we know are successful.

The one we talk about the most and has become a model for much of the global effort is the ABC program, a program of A, abstinence; B, be faithful to your partner; and C, condom use if the A and B are ineffective. So the strategy of ABC was pioneered in Uganda. It took Presidential leadership there. President Museveni was the President who, in every speech, talked about HIV/AIDS, which really wasn't popular when he started, about 15 years ago, to do so.

The strategy incorporates both reducing the risk through the use of condoms with a strategy of risk avoidance through the message of limiting sexual partners.

It is totally preventable. The disease itself, this little virus and the contagiousness of the virus is totally preventable.

The comprehensive strategy is working. Uganda's HIV/AIDS infection rate has steadily declined. In 2001, the infection rate for 18- to 49-year-olds was 5 percent. In Kampala, which is a major urban center in Uganda, where HIV/AIDS once raged, aggressive intervention lowered it from 29 percent down to 8 percent.

I had the opportunity to operate at a wonderful hospital in Kampala about 2 years ago, 3 years ago. So to see that remarkable progress, cutting the infection rate from 30 down to 8 percent, has been remarkable.

The world community must respond. The world community is responding. The United States of America has stepped up to lead the battle. Last year, Congress passed and the President signed a global HIV/AIDS bill which projects out \$15 billion over 5 years for the prevention and treatment of HIV/AIDS. At the end of the program's first year, over 200,000 people will be on treatment with 1.1 million people receiving care. In the past few months, the U.S. has released \$865 million in HIV/AIDS funding to the 15 nations receiving those emergency funds.

This year, America will provide \$2.4 billion to combat that HIV/AIDS virus, as well as tuberculosis and malaria, two other infectious diseases that cause about between 1 and 2 and 3 million deaths in addition, each year, respectively. Ultimately, America's efforts will prevent 7 million new infections. It will provide antiretroviral drugs for 2 million HIV-infected people. It will provide care for 10 million HIV-infected individuals with AIDS and AIDS orphans. This will bring hope to millions of people around the world. It is a lofty goal of a great and compassionate nation.

I have taken the opportunity to mention this today, on Friday, because much of that is from the report of last Tuesday.

Next week there will be some very significant meetings. Over 15,000 scientists and AIDS activists and advocates will gather in Thailand, in Bangkok, for the International AIDS Conference. They will look at prevention efforts. They will look at treatment efforts. They will look at real-life experience. They will look at what works and what does not work, so we can better address this global epidemic.

Americans can be proud of our commitment and compassion. The United States of America is the most generous nation in the world today in fighting HIV/AIDS and providing substantial resources for that prevention, care, and treatment for those infected with the virus.

We will spend about \$2.4 billion on global AIDS this year and an estimated \$2.8 billion next year. We have already provided over \$1.1 billion to the Global Fund to Fight AIDS, Tuberculosis, and

Malaria. That is approximately one-third of all the commitments to the fund. Our country, the United States of America, has provided about one-third of all the commitments to the fund and the rest of the world makes up the other two-thirds.

We can't do it alone. It is going to take participation of the recipient countries. They must do their part to promote effective prevention and treatment strategies. It takes demonstrated national leadership such as the leadership of President Museveni in Uganda. Our friends and our allies must continue to provide firm financial and moral support. Nations are contributing. We want to encourage them to contribute more, and that is reflected in the statistics from last week. But demand continues to outstrip or grow faster than supply. Other wealthy nations must increase their contributions. We cannot rely on the Global Fund alone to combat global HIV/AIDS. It takes sustained, focused efforts on the part of individual countries, rich and poor, to lift the shadow of HIV/AIDS. Our Congress, this body, and the President of the United States have shown tremendous leadership in the battle against HIV/AIDS.

It is my hope this week's U.N. report and next week's conference will not just be occasions for more talk but will be catalysts for greater action on the part of the world's leaders. History is going to judge whether the global community stood by and permitted one of the greatest destructions of human life in recorded history or stepped in and performed one of its most heroic rescues. America has chosen the latter. Let us hope the world will, too.

PROGRAM

Mr. FRIST. Mr. President, let me remind my Senators one more time that on Monday, Senators are encouraged to come to the floor to speak on the constitutional amendment on marriage. I will be discussing with the Democratic leader a process for debate and consideration of that joint resolution. Given the amount of debate, I do not foresee a vote on Monday. Thus, as I mentioned a few minutes ago, there will be no rollcall votes during Monday's session.

ADJOURNMENT UNTIL MONDAY,
JULY 12, 2004, AT 1 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:22 p.m., adjourned until Monday, July 12, 2004, at 1 p.m.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO RUSTY
CALDWELL

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. MCINNIS. Mr. Speaker, it is my honor to rise before this body of Congress and this Nation to pay tribute to Rusty Caldwell for his admirable service to his country and dedication to his Colorado community. Rusty is a true American hero and patriot, and a beloved friend and colleague to many in his community. In his years spent in the armed forces, Rusty embodied the ideals of integrity and courage that we, as Americans, have come to expect from our military personnel. He has led an amazing life and I believe it is appropriate to recognize this exceptional man, and his many contributions to his community, state and country.

Rusty began his career of service after high school. In 1943, he went off to fight in World War II, and was assigned to the destroyer escort USS Weaver. His missions consisted of going ashore with Marine units and directing naval artillery on to the beaches. Throughout the war, Rusty went ashore nine times, and was hit by enemy fire twice, earning him two purple hearts. He saw action in most of the infamous engagements in the South Pacific including, Tarawa, Kwajalein, Eniwetok, Yap, Palau, Iwo Jima and Leyte Gulf.

After the war he came home and married Eva Dean, and earned a degree in vocational agricultural education from Oklahoma State. This tranquility didn't last long however, and in 1950 he was called for service once again, this time in the Korean War. This time Rusty was trained as a forerunner of today's special forces units and Navy Seals. His mission was to track down and capture enemy commanders. Rusty survived frostbite, mine explosions, rifle shots, and a knife wound while he was in Korea and earned him five more purple hearts.

After Korea, he spent 31 years as an agricultural teacher in Oklahoma and Iowa before moving to Parachute, Colorado in 1993. He is active in his community, singing in a community chorus, traveling, and participating in his Veterans of Foreign Wars post.

Mr. Speaker, it is clear that Rusty Caldwell has a strong commitment to his country. His efforts to strengthen and secure his Nation and the world are truly remarkable. It is my privilege to recognize the accomplishments and service of Rusty before this body of Congress and this Nation. I sincerely thank him for his service and wish him the best in his future endeavors.

A TRIBUTE TO YEON HWAN PARK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. TOWNS. Mr. Speaker, I rise today to recognize the educational and athletic achievements of Master Yeon Hwan Park.

Master Park is an 8th dan (degree) black belt, and coach of the USA Olympic National and Pan American Tae Kwon Do teams. He is the world's premier authority on Tae Kwon Do and his knowledge is without parallel in this martial arts discipline. Master Park has been featured in the New York Times, Newsday and has graced the covers of virtually every martial arts publication. Master Park is renowned for having translated his fighting ability into teaching ingenuity, something few successful competitors have been able to do. He brought his techniques and the austere conditions of his native Korean training halls to the African nation of Lesotho. He trained their secret service and special police agents for 2 years. He, also, trained and led their Tae Kwon Do team to the Seoul Olympics. The women's team took first place and the men's team finished second.

Master Park has established himself as a great teacher and an outstanding community leader. He has done much to bring Tae Kwon Do to national prominence. Presently, he is President of the NY State Tae Kwon Do Association. And, he has served the United States as an Olympic coach and as a coach at the Pan American Games. Though Mr. Park has been busy in the sport that he loves, he has not forgotten the welfare of the community. He promotes the fundraising programs for the March of Dimes, The American Cancer Society, the American Cystic Fibrosis Foundation and many other organizations. He has also served as the president of the Korea American Association of Long Island and is a current member of the Nassau County Youth Board.

Mr. Park graduated from Korea University with honors in history. He studied at the United States Olympic Academy XII at Penn State University. He has published many books including "Tae Kwon Do for Children" and "Tae Kwon Do DINOSAURS". He has been honored by Nassau County, the United States Olympic Committee, Korea University, and the World Tae Kwon Do Federation, and many others.

He and Sunwoo (also known as Connie) were married in 1982 and they have two sons, Edward and Elliot, and one daughter, Nina.

Mr. Speaker, Master Yeon Hwan Park's worldwide contributions to the sport of Tae Kwon Do and his New York community make him more than worthy of receiving our recognition today.

HONORING THE LINCOLN PARK
ZOO

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. EMANUEL. Mr. Speaker, I wish to extend my best wishes to everyone associated with Chicago's Lincoln Park Zoo on the occasion of its Swing! 2004 Zoo Ball. I would especially like to commend the Women's Board of Lincoln Park Zoo for starting what has become the zoo's largest fundraiser.

The Zoo Ball is always one of the highlights of Chicago's social scene, and this year's event promises to be no exception. Transforming the Zoo into a 1940's supper club complete with big bands and classic cocktails, the 2004 Zoo Ball will be an event not to be missed.

Chicago is proud to be home to one of the finest and oldest zoos in the Nation, serving the community since 1868. With over 3 million visitors every year, the Lincoln Park Zoo is consistently one of the top cultural and entertainment attractions in the city. Located within the beautiful confines of Lincoln Park, the Zoo is not only an attraction within our community, it is also an integral part of our community. The Lincoln Park Zoo is truly a unique cultural institution because it remains free to all its visitors, ensuring that everyone has the opportunity to learn about and appreciate the wonders of nature that exist in our world.

The Lincoln Park Zoo has earned a reputation as a world-class institution committed to conservation, science, and education. With state-of-the-art facilities such as the newly opened Regenstein Center for African Apes, the Zoo continues to provide the finest facilities for its inhabitants. With four times the size of the old building, the new building allows gorillas and chimpanzees to move freely from inside to outside facilities, and gives visitors an even fuller understanding of the lives of these immense creatures. The facility also serves as a research, training and education center that will enable conservationists and scientists from around the globe to study apes.

As with all great institutions, a lot of effort goes into maintaining excellence. The Lincoln Park Zoo is fortunate for the leadership provided by its president, Kevin Bell, and the dedication given by Jay Proops and other members of the Board of Directors. And I would like to particularly thank the Gala's Event Chairs, Josephine E. Heindel and Myra Reilly, and the President of the Women's Board of Lincoln Park Zoo, Debra Clamage.

Mr. Speaker, it gives me great pleasure to honor the hard work and dedication of the staff and friends of the Lincoln Park Zoo on the occasion of its Zoo Ball, and I thank everyone in attendance for ensuring that this jewel of Chicago continues to shine.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, yesterday I missed rollcall vote No. 347. Had I been present, I would have voted "yes."

REMEMBERING SERGEANT BRIAN M. WOOD

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Ms. MILLENDER-McDONALD. Mr. Speaker, this morning I rise to honor and pay tribute to one of my constituents who recently died serving his Nation in Iraq.

Sergeant Brian M. Wood was killed when his military vehicle pulled off the road and hit a mine while he was on patrol. Sergeant Wood was only 21 years old.

Brian Wood was assigned to the Army's 9th Engineer Battalion, 2nd Brigade Combat Team, 1st Infantry Division, which is based in Schweinfurt, Germany.

Mr. Speaker, Brian Wood sent an e-mail to his family less than 24 hours before his death and reported that he felt he was making a difference in the lives of the Iraqi people by locating and disarming land mines.

Mr. Speaker, Brian's family reports that he was a young man with tremendous personality and a great sense of humor.

I would like to extend my condolences to the family and friends of Sergeant Brian Wood, and my thoughts and prayers are with his family during this difficult time. Brian's honorable service to his country will be long remembered.

TRIBUTE TO THE WOLNIAK BROTHERS

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to a group of extraordinary individuals, the Wolniak brothers of Syracuse, New York. There are five brothers in all, Joseph, Michael, Nicholas, Andrew and Steven. The family migrated from the Ukraine in the early 20th century led by Matthew Wolniak, father of 10. What makes the brother's account so astonishing is the courage and dedication displayed during a time of great peril, World War II.

Joseph Wolniak served in the Illinois National Guard as a Private First Class. Michael Wolniak served five years as Staff Sergeant in the Army Air Corps with the 65th Fgt. Sq. and 57th Fgt. Gp. Nicholas Wolniak served for over five years as a Private First Class in the 33rd Division, 130 Infantry, 1st Company. Andrew Wolniak served five years as a Private First Class in the 33rd Infantry Regimental Combat Team, E Company, 2nd Battalion.

And Steven Wolniak served several years as Corporal in the 125 AACs Sq.

The Wolniak brothers' were active in a variety of theaters ranging from India, New Guinea, the Philippines, the invasion of Japan, to the jungles of Burma. Needless to say, having five members of a family involved in wartime operations creates an atmosphere of stress and tension. Faced with these overwhelming set of circumstances, the Wolniak brothers knew freedom and democracy come at a cost and require sacrifice. Keeping this in mind, the brothers served their country with dignity and honor.

The most enjoyable part of this anecdote was the safe return of all five brothers from the European and Asian theatres. This phenomenon was almost unparalleled as the United States casualties exceeded 400,000 with the majority of American's experiencing a loss of a loved one.

I am proud to state that the Wolniak's are part of our Central New York community, as four of the brothers still reside in the Syracuse area. Nick, Mike, and Steve can still be seen at a local McDonald's for an early morning gathering while Andy remains in his DeWitt home.

Mr. Speaker, I say to those listening today, America owes a great debt to the Wolniak brothers and all who served during World War II. Had it not been for the valor and devotion of the Allied Powers, both Europe and America would be a very different place today.

PAYING TRIBUTE TO WILLIAM SHAFFER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute to William Shaffer and thank him for his work as the Congressional Services Representative with the General Services Administration. His years of commitment and dedication as a public servant is certainly commendable and worthy of recognition before this body of Congress and this Nation today. Along with my fellow Americans, I am grateful for all that he has accomplished during his years of service.

William was born in Pennsylvania and served in the U.S. Air Force in Denver, Colorado, before going on to earn a Bachelor of Science degree from the University of Northern Colorado in 1973. He began his federal career with the Veterans Administration hospital in Hot Springs, South Dakota as a Recreation Therapist. After pursuing further training with the Veterans Affairs Personnel Administration Training Program, he worked as a Personnel Specialist in Maryland, Utah, Wyoming, Kentucky and finally Denver, Colorado.

In 1991, William moved to the General Services Administration as the Personnel Liaison at the Denver Federal Center, and later for the entire Rocky Mountain region. He was responsible for the Region's Congressional Support Program working to provide support services to ninety-six U.S. House of Representatives district offices and U.S. Senators State offices in Montana, Utah, Wyoming, Colorado, North Dakota, and South Dakota. These support services included procurement

of office furniture, equipment and supplies, maintenance and rehabilitation; property disposal; storage and relocation. William is also an ordained Pastor with the Presbyterian Church. In his spare time, he enjoys playing softball and volunteers at a Denver intercity food pantry.

Mr. Speaker, it is clear that William Shaffer has been an invaluable resource to the General Services Administration and it is my honor to recognize his service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with devoted public servants like William Shaffer. On behalf of the citizens that have benefited from the hard work and commitment he has given to the General Services Administration and the constituents it serves, I extend my appreciation for his years of enthusiastic service.

A TRIBUTE TO REVEREND GUN HA SONG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Reverend Gun Ha Song in recognition of his business accomplishments and spiritual leadership in the community.

Reverend Song came to the United States in 1979. He founded the Good Pickin' store in 1982 and he continues to manage it successfully today. Reverend Song is the president of the Korean Association of Brooklyn.

Reverend Song's passion is his faith. He leads his congregation in Brooklyn. In preparation of his pastoral duties, Reverend Song has studied extensively, earning advanced degrees in the area of religious thought. He has earned a Masters Degree of S.B.E. Christian Education. He received an additional Masters Degree from Chongshin Theological Seminary. Finally, Reverend Song also holds a Doctor of Christian Education from Cumberland University.

Mr. Speaker, Reverend Gun Ha Song came to this country about 25 years ago and has made several contributions to this country through his entrepreneurial spirit and spiritual leadership. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING THE IRISH AMERICAN HERITAGE CENTER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. EMANUEL. Mr. Speaker, it is my privilege today to recognize the contributions of Chicago's Irish American Heritage Center toward preserving the glorious heritage and culture of Chicago's Irish community, on the occasion of its Annual Irish Fest.

The Irish American Heritage Center continues to be an integral part of the Irish Community in Chicago. The Annual Irish American Heritage Festival on July 9th, 10th, and 11th will showcase many of the great traditions and

talents of Ireland. The festival will feature traditional Irish dancing, numerous musical acts, and the great Irish food we all love.

The Irish American Heritage Center has consistently demonstrated its commitment to keeping the Irish heritage alive and thriving in Chicago. Its museum, library, and festivals all contribute to the success of the organization, and I applaud those who work and volunteer their time to continue this important mission.

But, the Irish American Heritage Center festival is much more than good food and entertainment. It is a chance to remember and honor all of the hard work and accomplishments made by the Irish Community. It is through this awareness by which younger generations can pass on the traditions and values of Ireland.

The museum was officially opened by the President of Ireland, Mrs. Mary Robinson, on October 13, 1991. Museum acquisitions include: a magnificent collection of Belleek Parian China; a historic chair commissioned by the Irish Fellowship Club of Chicago on the occasion of the visit of U.S. President William Howard Taft on St. Patrick's Day 1910; and the first organ from St. Patrick's Church in St. Charles, Illinois.

The Irish American Heritage Centers Library houses many special collections, including a facsimile edition of the world's most famous illuminated manuscript, The Book of Kells, which has been described as the "work of angels, not of men."

Mr. Speaker, I am honored on behalf of the Fifth District, and indeed all of Chicago, to call attention to all of the meaningful work occurring at the Irish American Heritage Center at the time of its Irish American Heritage Festival. I wish the Center continued success and a fantastic Irish fest.

CONGRATULATING LAKEWOOD ON SPORTS ILLUSTRATED AWARD

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Ms. LINDA T. SÁNCHEZ. Mr. Speaker, I rise proudly today to congratulate the city of Lakewood for being named Sports Illustrated magazine's "Sportstown" for the State of California. This prestigious award recognizes the city in California with the best community sports programs. And since California is Sports Illustrated's No. 1 state, that means Lakewood is the number one sports town in the entire country. Sports and outdoor living are part of the fabric of life in this wonderful city, which I represent, in the 39th District of California.

Every year, Mr. Speaker, more than 13,000 Lakewood citizens participate in sports leagues or volunteer as coaches or referees. Kids of all ages in Lakewood play sports in one of the many city-sponsored leagues. The city's leagues are free of charge so all kids in the city can participate, and learn the values of teamwork and sportsmanship while they are having fun and making friends. The grownups in Lakewood also join in adult basketball, softball, tennis and volleyball leagues.

And if you live in Lakewood and sports leagues aren't your cup of tea you can go to one of the 10 public parks, two public swim-

ming pools, or two public Community Centers and get some exercise or just have a good time.

This prestigious award recognizing Lakewood's community sports programs comes during the same year that Lakewood is celebrating its 50th anniversary.

So, to the people of the City of Lakewood I say, "Congratulations for being the best sports city in America, and Happy 50th Anniversary!"

REMEMBERING SECOND LIEUTENANT ANDRE D. TYSON

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise this morning to pay tribute to a young man from my district who was killed in action serving in the Iraqi conflict.

Second Lieutenant Andre D. Tyson was charged with patrolling and gathering intelligence on insurgents in the farmlands in Balad. He died, at 33, when enemy forces ambushed his ground patrol.

Called to active duty last fall, Second Lieutenant Tyson was assigned to the 579th Engineer Battalion, Army National Guard, which is based in Petaluma, California.

Mr. Speaker, Andre Tyson told a reporter 10 days before his death, that local people were hospitable to the soldiers, giving them tea and bread that he described as being "almost like homemade tortillas." His cousin said, "All of his e-mails spoke positively about his experiences in Iraq."

Mr. Speaker, Andre's family said he was a man that commanded respect and his peers looked up to him.

It is important to honor and pay tribute to all of the brave men and women across the Nation who have given their lives in defense of the freedoms we enjoy every single day, and all leave behind families who miss their sons and daughters. Too many of our young people have their lives cut way too short, but their sacrifice will be long remembered.

I would like to extend my condolences to the family and friends of Second Lieutenant Andre D. Tyson, and my thoughts and prayers are with his family during this difficult time.

TRIBUTE TO BRISTOL-MYERS SQUIBB COMPANY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to the Bristol-Myers Squibb Company's Syracuse, New York facility, which will receive the 2004 Presidential Green Chemistry Challenge Award in the alternative synthetic pathways category presented by the United States Environmental Protection Agency (EPA).

Bristol-Myers Squibb earned this great honor through the development of an environmentally friendly synthesis for the cancer drug Taxol®. The EPA's Presidential Green Chemistry Challenge Program has been promoting

pollution prevention through voluntary partnership with the chemical community since 1996. The annual awards recognize outstanding accomplishments in the development of chemical technologies that incorporate the principles of green chemistry into chemical design, manufacture, and use. To date winning technologies have eliminated over 460 million pounds of chemical and solvent pollutants, saved over 440 million gallons of water, and eliminated over 170 million pounds of atmospheric carbon dioxide emissions.

I express my congratulations to the men and women of the Bristol-Myers Squibb Company in Syracuse for receiving such an outstanding honor. Bristol-Myers Squibb has truly shown itself to be a leader in environmental technology innovation.

TRIBUTE TO BERTRAND SEIDMAN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to a man who spent his entire life devoted to helping working men and women and their families. Bertrand Seidman a constituent of my district and legend in the labor movement, recently passed away after a lifetime of advocating for working people in the United States.

After earning his Master's degree in economics from the University of Wisconsin at Madison, Mr. Seidman began his stellar career at the Bureau of Labor Statistics in Washington, DC. In 1944, he started performing his service as a conscientious objector clearing a path for the Blue Ridge Parkway. During this time he began educating his fellow workers in industrial relations and later led a year-long strike after the government stopped paying conscientious objectors while still having them work.

In 1948 he began his distinguished career with the AFL-CIO as an economist in their research department and later served as the European representative for the AFL-CIO. He continued his service to the nation as a member of the United States delegation to the United Nations' International Labor Organization from 1958 to 1976 and then from 1987 to 1988.

It was after this service that Bert Seidman was appointed to become head of the AFL-CIO's Social Security department. He worked there for twenty four years and ensured that the labor movement would continue to focus on social welfare issues. He was especially interested in health care, pensions and occupational health for all. Mr. Seidman was also active in making sure that Social Security would not be privatized and that all Americans would have health insurance, regardless of their economic status.

Our nation lost an activist when Bert Seidman passed away on June 24th. He will always be remembered for his role in our nation's labor movement. Bert wanted to make sure that when people worked their whole lives, they would be taken care of in their retirement, and if they were ill or injured, they would have ample health care to help their recovery. Most importantly, he was for the most basic right, equality. I am grateful for his vision, his dedication and the many years of

service he gave to our nation. May his memory and the ideals he fought so hard to protect be preserved so future generations of working people are assured of basic rights and protections in a vastly changing workplace.

A NATIONAL MEMORIAL FOR
EDMUND S. MUSKIE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. MICHAUD. Mr. Speaker, I am introducing two bills to designate the Edmund S. Muskie Memorial, located in Rumford, Maine, as a national monument. Surely, the incredible accomplishments of this distinguished American deserve national recognition.

Edmund S. Muskie was born March 28, 1914, in Rumford, Maine, the second of six children and the son and grandson of Polish immigrants. Ed Muskie attended public schools in Rumford, graduated as valedictorian of his high school and with cum laude honors from Bates College. After Cornell University Law School, he began practicing law in Waterville. In 1942, he enlisted in the U.S. Navy and served as a Lieutenant in both the Atlantic and Pacific theaters.

Ed Muskie began his political career in the Maine House of Representatives, where he served from 1946–1951. Later he went on to be twice elected as Governor of Maine and then to the United States Senate, where he served for twenty-one years. During his tenure in the Senate, Ed Muskie served on the Foreign Relations, Governmental Affairs, and Environmental and Public Works committees, and was the founder and first chair of the Senate Committee on the Budget.

Joining Democratic Presidential nominee Hubert H. Humphrey, Ed Muskie ran for Vice President on the Democratic ticket in 1968, and then made his own bid for the Presidential nomination in 1972. After retiring from the Senate in 1980, he was made Secretary of State by President Carter, practiced law in Washington, D.C., and was named to President Reagan's Special Review Board to investigate the Iran-Contra affair.

Few people served this nation as long, or as honorably, as Edmund Muskie. His dedication to public service was obvious and his commitment to environmental issues ahead of his time.

I have introduced a bill to authorize the Secretary of the Interior to conduct a special resources study to determine the suitability and feasibility of designating the memorial to Edmund S. Muskie located in Rumford, Maine, as a unit of the National Park System. I have also introduced a bill to then officially designate the memorial as a national memorial. I am hopeful that these bills can be considered and passed soon so that we can have a fitting, national tribute to Edmund Muskie.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. HONDA. Mr. Speaker, on Tuesday, July 6, Wednesday, July 7, and during the morning

of Thursday, July 8, I was unavoidably detained due to official international election monitoring efforts I took part in and was not present for rollcall votes on those days.

Had I been present I would have voted the following:

Rollcall 326, recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands, I would have voted "yea";

Rollcall 327, expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery, I would have voted, "yea";

Rollcall 328, on the Manzullo amendment, which would provide \$79.1 million for the Small Business 7(a) loan program to finance more than \$13 billion in small business, I would have voted "yea";

Rollcall 329, on the Flake amendment, which would prohibit the use of funds to implement the Commerce Department's new restrictions on gift parcels to Cuba and the amount of personal baggage allowed for travelers to Cuba, I would have voted "yea";

Rollcall 330, on the Weiner amendment, which would increase COPS funding by \$107 million and offsets that funding by cutting funding for the Census, I would have voted "no";

Rollcall 331, on the Hefley amendment eliminating funding (\$174 million) for the re-engineered design process for the 2010 short-form only Census, I would have voted "no";

Rollcall 332, on the Kucinich amendment, expanding the membership of the President's "Manufacturing Council" to include representatives from unions and the steel industry, I would have voted "yea";

Rollcall 333, on the Paul amendment prohibiting funds to pay expenses for any U.S. contribution to the United Nations Educational, Scientific, and Cultural Organization, I would have voted "no";

Rollcall 334, on the Farr amendment prohibiting funds from being used to prevent states from implementing state laws authorizing the use of medical marijuana I would have voted "yea";

Rollcall 335, on the Paul amendment prohibiting funds from being used to pay any U.S. contribution to the United Nations or any affiliated agency of the United Nations, I would have voted, "no";

Rollcall 336, on the rule providing for consideration of Legislative Branch Appropriations Act for Fiscal Year 2004, I would have voted, "no";

Rollcall 337, on the rule providing for consideration of the Manufacturing Technology Competitiveness Act of 2003 I would have voted, "no"; and

Rollcall 338, on the National Windstorm Impact Reduction Act of 2004, I would have voted, "yea."

PAYING TRIBUTE TO CAROL
SEALE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise to recognize the life and passing of Carol Mae "Peppy" Seale of Durango, Colorado. As one of the founders of

women's athletics at Fort Lewis College, she was dedicated to the nation's youth and committed to establishing greater opportunities for the nation's female youth population. She will forever be remembered as a pillar of her community, and as her family and community mourn her passing, I believe it appropriate to pay tribute to this exceptional woman before the body of Congress and this nation.

Peppy first moved to Durango in 1969 after she received her teaching degree from Carroll College and her master's degree from the University of Northern Colorado. She then went into coaching women's athletics at Fort Lewis College. She committed herself to the volleyball team for fourteen seasons, acting as the coach for the squad as well as providing all the transportation for the team to and from competitions. During her tenure as the head volleyball coach, she led the team to 148 wins. In addition, she spent time coaching other sports, including the basketball, softball, skiing and tennis teams. Outside work, Peppy had a love for the farm she lived on and the animals that inhabited it.

In recognition of her dedication to athletes and her success as a coach, Fort Lewis has inducted her into the Fort Lewis Athletic Hall of Fame. For her work advancing the cause of women in women's athletics she was named by the Women's Resource Center as an Extraordinary Woman of the Community.

Mr. Speaker, it is my honor to celebrate the life and achievements of Carol Mae Seale before this body of Congress and this nation today. She played an important role in founding athletic programs for women at Fort Lewis College, and was a valuable asset to the Fort Lewis community. My thoughts go out to Peppy's loved ones in this difficult time of bereavement.

A TRIBUTE TO SHARON DEVONISH-
LEID

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Sharon Devonish-Leid in recognition of her dedication to strengthening the community.

Sharon is a Community Relations Specialist for the Brooklyn District Attorney's Office in the Community Relations Bureau. In this capacity, she serves as the link between the community, the police, and the DA's office. Ms. Devonish-Leid is responsible for four police precincts (93rd, 69th, 73rd, and 75th), and two police service areas (1 and 2).

In this capacity, she has developed the Young People's Law program in the Community Relations Bureau. This program is an off-spring of the People's Law School program, which District Attorney Hynes developed to educate adults about the criminal justice system. She is also responsible for developing the East New York College and Career Fair at Maxwell High School. Additionally, she has implemented other informational fairs and conferences that bring important information to our communities.

Sharon has always had a passion for the field of law. In fact, she earned her Bachelor of Science degree in Criminal Justice, with

merit, from John Jay College of Criminal Justice. Even as an undergraduate, she participated in community programs that helped others. These experiences helped her develop her interest and skills in community relations.

Prior to joining the Community Relations Bureau, she worked as a senior paralegal in various bureaus in the District Attorney's office. She worked as a legal secretary in the Eastern District office of the United States Attorney General.

Sharon's biggest love is working with our community's young people as she is always willing to volunteer her knowledge and experience to help others. Remarkably, she plans to serve as an example to our students by continuing her education in law school.

Mr. Speaker, Sharon Devonish-Leid has been a shining star in the community by bringing residents and law enforcement together. As such, she is more than worthy of receiving our recognition today, and I urge my colleagues to join me in honoring this, truly remarkable person.

HONORING JERRY PRETE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. EMANUEL. Mr. Speaker, I rise today to join with the Elderly Housing Development & Operations Corporation and the people of Chicago in honoring the late Jerry Prete with the dedication of the "Appreciation Garden" at North Park Village in Illinois. A man who committed himself to helping his fellow citizens, Jerry Prete lived life to its fullest. His family, friends and the seniors of the Chicago area are testament to the quality of his character, honor and integrity.

Jerry Prete achieved his success through hard work and determination. He dedicated his life to public service and the people of Chicago. An active member of the Christian Family Movement since 1950, he assisted in developing leadership training and motivation for them until the 1970s. In the 1960s, the Chicago Senior Senate was formed and expanded into 400 chapters with Jerry's leadership.

In this quest, Jerry united with the National Council of Senior Citizens to submit a proposal to the Department of Housing and Urban Development for the funding of subsidized living at North Park Village. Today, the Prete, Senate, and North Park Village Apartments are considered some of the finest senior citizen apartment buildings in the Nation.

Jerry made a lifelong commitment towards helping seniors gain access to affordable housing—eventually assisting the implementation of about 30 multiple dwelling units around the United States. He was a champion of many causes for seniors including the expansion of Social Security and Medicare benefits, lowering the cost of prescription drugs, lowering taxes, and working toward the creation of the Circuit Breaker program.

Aside from working to help seniors, Jerry was a passionate advocate for the religious community. From the mid-1950s until 1995, Jerry and his wife Anne operated the Alverno Bookstore, which they established to meet the needs of the local Christian community.

Mr. Speaker, I join with the Elderly Housing Development & Operations Corporation and the seniors of North Park Village in honoring Jerry Prete. Today, numerous Chicagoans have reaped the benefits of one man's heroic dream. May God bless the Prete family and the memory of a man who was truly loved by his friends, his community and his family.

A TRIBUTE TO THE LIFE OF MR. BILL THURSTON OF VALLEJO, CALIFORNIA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, I would like to take this opportunity to call to my colleagues' attention the recent passing of a good friend, an outstanding educator and public servant, and a wonderful husband, Bill Thurston of Vallejo, California in my congressional district.

I urge my colleagues to read the article that follows below about Mr. Thurston's life, his passion, and his significant contributions to the city of Vallejo and the greater Solano County community. Bill was a longtime history and political science instructor at Solano Community College and a member of its board of trustees. He served on the county and state Democratic Central Committees for 22 years, and served eight years on the Democratic National Committee.

He was a friend and supporter to my father for his work in the state legislature and he was a mentor to me about the education of children and the needs of our community.

To Bill's wife of over 25 years, Rosemary Thurston, and to all of Bill's family I offer my sincere condolences at this time. For the many of us who were lucky enough to know Bill and to call him our friend, our lives are richer for it and we will always carry a place for him in our hearts. May he rest in peace.

[From the Vallejo Times Herald, July 7, 2004]

LONGTIME VALLEJO EDUCATOR AND ACTIVIST
DIES AT 74

(By Robert McCockran)

Bill Thurston, a longtime history teacher, state Democratic Committee leader and Solano Community College trustee died Tuesday. He was 74.

A family member said Thurston, 74, was having shortness of breath (about 10:25 a.m.) and had to be rushed to (Kaiser Permanente Medical Center) and collapsed in the hospital.

Another family member said Thurston's wife, Rosemary, was distraught and unable to talk about her husband's death.

"We can say that he's gone and we can say that he didn't suffer," the family friend said, adding that a memorial service will be arranged.

For 20 years, Thurston taught political science and history at Solano Community College.

"I feel very sad, very sad," said Pam Keith, a fellow trustee. "He was just a very special person to me and I'm going to miss him very, very much."

"There will be a lot of people turn out for this guy, whatever the situation is. He's got 500 children, grandchildren, great-grandchildren, (and) great-great-grandchildren. And he's touched so many lives over the years, one way or another. People that you don't even know about," Keith said.

Another fellow board member, Willie McKnight, called Thurston "a great educator" and noted that they were fraternity brothers, having joined Alpha Phi Alpha in 1979.

McKnight said Thurston loved music, although he didn't play any instrument and, he often spoke at his church. "He always was willing to speak and was always trying to uplift our black boys and girls."

Pelton Stewart, executive director of the Continentals of Omega Boys and Girls Club, said when he first came to Vallejo Thurston took him under his wing and "told me some pitfalls to avoid politically in our little city."

"He was a real long time dedicated supporter of the Boys and Girls Club. He and his wife were always at our banquets, always supporting. He was just a great man," Stewart said.

"He gave a lot back to the Vallejo community. He was very proud of his African ancestry and helped with the African American library in Oakland and very proud of the education system here in Solano County."

Thurston was born Jan. 15, 1930 in Logtown, Mississippi. As a young child, he once recalled watching police wake a sleeping African-American man at a train station. They kicked him, then shot him in cold blood, Thurston told an interviewer.

Thurston's family moved to California in 1944, and at age 17, he joined the military. He served in Korea, Germany, the Philippines and Okinawa before leaving the service in 1964.

Thurston earned an AA degree at Solano Community College and a BA at California State University at Hayward. In 1972, he began teaching at Solano Community College.

"I never taught a class without dealing with reality," he once told a reporter.

"In all the U.S. history classes I taught, I always included segments on the failures of Reconstruction after the Civil War and on the struggles of women. I taught the bad things and the good."

In January 1985, Thurston was elected vice-chairman of the California Democratic Party.

He served on the county and state Democratic Central committees for 22 years, retiring in 1994. He also served eight years on the Democratic National Committee.

In May 1988, Thurston was a delegate for presidential nominee Michael Dukakis.

But Thurston was not so partisan that he ignored weaknesses of his fellow Democrats. He once referred to Oakland Mayor and former California governor Jerry Brown as a "flake" and said he was not overly impressed with former President Bill Clinton.

Frank Jackson, former president of the Vallejo Chapter NAACP, said of Thurston: "We go way back. Bill and I were real close friends."

Jackson said he served with Thurston on an affirmative action committee at Solano Community College.

"The thing I liked about Bill, he was fair and equitable. When something wasn't right, he'd say 'this isn't right' or 'this is the thing that we're doing,'" Jackson said of his fellow NAACP member.

"Any time I would call on him and ask him to do anything he was always willing to help out. And, anytime anybody called me about anything political, I would tell them to call Bill Thurston," Jackson said.

Mel Jordan, an architect for the Vallejo City Unified School District who designed Jesse Bethel High School, said he was very close to Thurston.

"Basically, Bill Thurston is almost like a second father to me. In other words, a mentor. He really assisted me in a lot of decision-making types of things for my own personal life," Jordan said.

"He's extremely going to be a loss to me, but he's passed on so much wisdom. It's almost like passing on the torch because we connected so much over the years," Jordan said. Former Vallejo mayor Terry Curtola said he'd known Thurston most of his adult life.

"Always was an adviser to me in my political career. Just what I like to call a good old boy Vallejoan. He was always supporting everything that went on. Always had the best of Vallejo at heart. Just a good man," Curtola said.

"I think what I like the most about Bill more than anything, he covered all the diversities of our whole community. You could never pinpoint him. He was just a man that I always went to for advice. Even when I didn't go to him for advice, he'd call and give it to me anyway." Curtola said.

INTRODUCTION OF NEW UNITED STATES GLOBAL HIV PREVENTION STRATEGY TO ADDRESS THE NEEDS OF WOMEN AND GIRLS ACT OF 2004

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Ms. LEE. Mr. Speaker I rise today to talk about an urgent need in regards to our Global HIV/AIDS Initiative—the need to address the disproportionately growing effect of HIV/AIDS upon women and girls.

Today there are an estimated 40 million people infected with HIV/AIDS throughout the world.

For a number of reasons, women and girls are biologically, socially, and economically more vulnerable to HIV infection than men, and today they represent more than half of all individuals who are infected with HIV worldwide.

In sub-Saharan Africa the story is even worse, as women and girls make up 60 percent of those infected with HIV/AIDS.

Today we are undoubtedly facing a dramatic feminization of the global pandemic.

Why are women more vulnerable?

In many cases, women still have inadequate information about how HIV is transmitted, how it can be prevented, and how it can be treated.

Cultural and social norms in many developing countries, and in some cases even here in the United States, prevent frank and open discussion about sex and HIV/AIDS.

But perhaps worst of all, women are most vulnerable because of the continuing legal, social, and economic inequalities that contribute to, and are the result of persistent and culturally ingrained gender discrimination throughout the world.

This gender discrimination is responsible for devaluing the rights of women to attend school, earn an independent living, control their own bodies and choose their own sexual partners, retain control over their own property, and speak their minds.

And with the loss of each such right, women become more vulnerable to HIV infection.

Studies show that without an education, women are at a much higher risk of acquiring HIV/AIDS.

Without an independent source of income, women are forced to rely on men for food,

clothing, shelter, etc., thus perpetuating an unequal power balance in their relationships.

Without being able to control their own bodies and choose their sexual partners, women are frequently treated as commodities to be bought or sold, without rights under the law.

This perpetuates a culture that accepts rape and violence against women as something that is commonplace, and without punishment.

And women who have no right to refuse the sexual advances of men cannot control the circumstances of their sexual encounters and are unable to insist on abstinence, faithfulness on behalf of their partners, or the use of condoms.

Without the ability to own or inherit property, women are in constant danger of being kicked out of their own homes, and losing control of their families most basic productive resources.

Ultimately, women who fear the consequences of speaking openly are powerless to advocate for any of these rights and are consigned to accept a second class status in their societies.

In the context of our moral tradition and our common humanity, that is just plain wrong.

But when it comes to combating HIV/AIDS, for women it can be deadly.

Working jointly with my colleagues in Congress and the Administration, last year we established the Emergency Plan for AIDS Relief to treat 2 million people, prevent 7 million new infections, and care for 10 million individuals.

But Mr. Speaker, I believe that if we do not aggressively target the needs of women, and work to eliminate the factors that contribute to the increased vulnerability of women to HIV, we will never reach our targets.

That is why today, along with 54 of my colleagues, I am introducing a bill entitled the New United States Global HIV Prevention Strategy to Address Women and Girls Act of 2004.

By recognizing the inadequacy of our current HIV Prevention efforts, which focus on the "ABC" approach of Abstinence, Being faithful, or using a Condom, my bill would seek to revise our current HIV Prevention strategy to place an emphasis on the needs of women and girls.

In doing so, my bill would require the President to develop a comprehensive, integrated, and culturally appropriate HIV prevention strategy for each of the countries receiving assistance to combat HIV/AIDS that includes:

Increasing access to female condoms—including training to ensure effective and consistent use. Accelerating the de-stigmatization of HIV/AIDS—as women are generally at a disadvantage in combating stigma. Empowering women and girls to avoid cross-generational sex and reduce the incidence of child-marriage. Reducing violence against women. Supporting the development of micro-enterprise programs and other such efforts to assist women in developing and retaining independent economic means. Promoting positive male behavior toward women and girls. Supporting expanded educational opportunities for women and girls. Protecting the property and inheritance rights of women. Coordinating HIV prevention services with existing health care services—including mother to child transmission programs—and family planning and reproductive health services. Promoting gender equality by supporting the development of civil society organizations focused on the needs of women, and by encour-

aging the creation and effective enforcement of legal frameworks that guarantee women equal rights and equal protection under the law.

At the same time, my bill would also seek to balance funding for our HIV prevention initiatives by stripping out misguided language in last year's Global AIDS bill that guaranteed that 33% of our prevention funds would go towards abstinence only programs.

Instituting a blanket requirement for abstinence spending in our global prevention programs sends the message that religious ideology coming out of Washington DC is driving our global HIV/AIDS programs rather than sound science and the reality of the situation on the ground.

Our policy should be to provide flexibility in our global HIV prevention strategies to support a variety of culturally appropriate prevention initiatives based on need and the specific HIV infection trends and gaps of each country.

In the best interests of improving the Emergency Plan for AIDS Relief, and achieving our goal of preventing 7 million new infections, I believe that we must make this change.

And we must also make this change because we owe it to all the women who are left vulnerable and powerless because of social, political, legal, and economic inequalities that allow HIV to fester and spread.

If we do not address these underlying issues in a comprehensive manner, then I fear that our efforts to prevent the disease from spreading will only be in vain.

I invite all my colleagues to join me in support of this legislation, and I urge the International Relations Committee to move swiftly to take it up.

HONORING THE MEMORY OF THE HON. JOHN HAWKINS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. BONNER. Mr. Speaker, Jefferson County, Alabama, and indeed the entire state recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Representative John Hawkins was a devoted family man who spent over 28 years in public service, serving from 1959 until 1965 in the Alabama House of Representatives, and from 1966 until 1974 in the Alabama State Senate. Following a period of sixteen years out of the public spotlight, he again answered the call to service and began a new period in the state house in 1990. He was continuing to represent House District 47 in the state capital when he became ill earlier this year.

Throughout his professional career, he was dedicated to bringing better opportunities to all the residents of Hoover, Vestavia Hills, and Jefferson County in Alabama, and was a tireless advocate for his constituency. Representative Hawkins sponsored countless bills during his career in the legislature, but is perhaps best known for his championing the cause of automobile safety. In 1991, he was instrumental in the passage of Alabama's first state law that requires drivers and front-seat passengers to use safety belts. Eight years later, he helped to push through an amendment that gives police officers the authority to stop vehicle operators for violations of the seatbelt law alone.

Representative Hawkins was also a strong proponent of projects designed to benefit the residents of his district. Throughout his career, he emphasized providing funding for such projects as library additions, a reading initiative for area schools, drug testing for student athletes, and a multitude of highway projects. In fact, his efforts at securing transportation funding for his district led the citizens of Hoover, Alabama, to request that four miles of Alabama 150 be named after him because of his assistance in ensuring the widening of that highway.

Representative Hawkins, a graduate of Marion Military Institute in Marion, Alabama, and the University of Alabama, was a distinguished veteran of World War II. He was retired from Alabama Power Company after a long tenure as a special projects manager.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated public servant and long-time advocate for Jefferson County, Alabama. Representative Hawkins will be deeply missed by his family—his wife, Betty Hawkins, and his sons, John Hawkins, III, Bill Hawkins, and Davis Hawkins—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

HONORING THE MEMORY OF MR.
RALPH R. WILCOX, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. BONNER. Mr. Speaker, Mobile County, Alabama, and indeed the entire First Congressional District recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Ralph Wilcox, Sr., was a devoted family man and dedicated community servant throughout his entire life. He was retired following a long career with the Kimberly Clark Corporation, and in 1982 assumed a position on the board of directors of the Mobile County Water, Sewer and Fire Protection Authority. As a part of this organization, Mr. Wilcox and his fellow board members were responsible for oversight of one of the largest public utility and fire protection organizations in the State of Alabama, consisting of over 400 miles of water lines in Mobile County.

A lifelong resident of Theodore, Alabama, Mr. Wilcox was also actively involved in the life of his community, participating in several area youth organizations. He served on the council for the Boy Scouts of America and was an active member of the board of the Theodore Athletic Association. In 1980, he was inducted as member of the Mobile Youth Baseball Hall of Fame, and was nominated by the Tillman's Corner Chamber of Commerce as its Citizen of the Year.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated community servant and long-time advocate for Mobile County, Alabama. Ralph Wilcox, Sr., will be deeply missed by his family—his wife, Margaret Floyd Wilcox, his daughters, Stephanie Van Cleave and Margie Wilcox, his son, Ralph "Hoppy" Wilcox, Jr., his sister, Lucy Clark, seven grandchildren, and one great-grandchild—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

ESOP PROMOTION AND
IMPROVEMENT ACT OF 2004

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. BALLENGER. Mr. Speaker, I am introducing legislation today to promote employee ownership through employee stock ownership plans (ESOPs). Most of our colleagues are familiar with these plans, but are they aware that the most common form of providing stock ownership to non-managerial employees today is through ESOPs?

During my service in the House, Congress has expanded employee ownership in America. I have worked to expand ownership through ESOPs by introducing, cosponsoring and advocating legislation. Many new provisions of ESOP law first surfaced in legislation I introduced in 1990, 1991, 1993, and 1995. Through the years, I have worked to build bipartisan support for ESOPs in Congress.

Let me say to my colleagues that ESOPs are not just special arrangements for the top executives in a company. ESOPs are broad-based stock ownership plans that, over the past 30 years, have created significant wealth for employees. In many instances, they have been the innovators in participatory management practices that respect the individual while maximizing the performance of the company.

Studies demonstrate that the overwhelming majority of employee-owned companies are more successful and treat their employees better than non-employee-owned companies. For example, in the most comprehensive study of ESOP companies ever done, over 1100 ESOP companies were matched against their counterparts for an eleven-year period. The ESOP companies had a survivability rate 15 percent greater than the non-ESOP companies, had annual sales 2.4 percent greater on average, and provided more retirement benefits than their counterparts. In another study, Washington State's Economic Development Office found in 1997 and 1998 that ESOP companies in Washington State, when compared with non-employee-owned companies, paid higher wages, had better retirement, and had twice the retirement income for employees.

Despite all this favorable data, I cannot say that ESOP companies are always successful. But, I will say that they are usually high-performing companies that share with employees the wealth they help create and bring a real ownership culture into the workplace.

Overall, we have good ESOP laws on the books through our tax code and the Employee Retirement Income Security Act, which is overseen by the Department of Labor. My legislation does not unravel existing law, nor does it overreach with new, costly tax incentives for ESOP creation. Rather, my bill is a modest step toward aiding the creation of employee ownership through ESOPs and helping existing ESOP companies maximize their ownership structure.

Primarily, the ESOP Promotion and Improvement Act of 2004 would make minor changes in tax law to treat S-corps the same

as C-corps in the ESOP arena, which would help foster ESOP creation. My legislation would also extend to ESOPs some of the popular features accorded to retirement programs such as 401K's. Following is a brief explanation of my legislation:

First, I will clarify what was really an oversight in the drafting of the 1997 law encouraging S corporations to sponsor ESOPs. The 1997 law prevented S corporations from taking a tax deduction for dividends ('distributions on current earnings'). Since S corporations do not pay a corporate level tax, it is reasonable not to give a corporate level tax deduction. However, under current law, distributions from current earnings on ESOP stock paid to employees of S-corps are subject to a 10 percent penalty tax because the payments are treated as if they were early withdrawals from plan contributions to the ESOP. Clearly, Congress never intended for S corporations to have their dividends on ESOP stock treated more harshly than C corporation dividends paid on ESOP stock.

To address this problem, my legislation does away with the unfair 10 percent penalty and makes it clear that, as in C corporations, dividends paid by an S corporation on ESOP stock can be deducted if the deduction is used to pay the debt incurred to acquire the stock for the employees through the ESOP.

Next, my legislation permits the owners of S corporation stock to sell that stock to an ESOP and, under tight rules, to defer the gain on that sale if the following conditions are met. First, the ESOP must hold at least 30 percent of the outstanding stock of the S corporation. Second, the seller must reinvest his or her proceeds in American companies. This treatment has been permitted for owners of C stock of a private company since 1984, and it has been a boon to ESOP creation. In fact, surveys by the ESOP Association show that 70 to 75 percent of the ESOP companies in America were created by exiting shareholders of private companies using this 1984 law. I believe that if this provision, Code Section 1042, is expanded to include S corporations, there will be many more S corporation ESOPs.

I believe we also need to clarify a 1989 law that the IRS has stretched too far. Under an IRS regulation interpreting the corporate Alternative Minimum Tax (AMT), C corporation dividends that are paid on ESOP stock are calculated as part of a company's adjusted current earnings, which is used in calculating the corporate AMT. Three taxpayers have taken cases all the way to the Court of Appeals saying the IRS went beyond the reach of the law in this interpretation. However, the Courts have rejected these claims, stating that the IRS has wide discretion in promulgating regulations. We should reaffirm our commitment to ESOP creation and clarify that Congress never intended to make an ESOP benefit a tax liability by overturning these IRS rulings.

Finally, my bill contains two technical amendments clearing up some unfair and out of date elements of the 1984 IRC 1042 provision. My bill clarifies who can participate in a 1042 ESOP, and it permits the proceeds from a 1042 sale to be invested in mutual funds of U.S. stock, versus requiring direct stock purchases. In addition, my bill brings parity to ESOPs with other defined contribution plans by permitting ESOP participants to withdraw money from the ESOP under limited circumstances to pay for a first-time home or college tuition.

With these few provisions, my legislation will do much to advance the cause of employee ownership, making ESOPs more effective and fostering the creation of many more ESOP companies. I thank the House and my colleagues for their time, and I ask that they consider joining me by cosponsoring this legislation.

SECTION-BY-SECTION EXPLANATION OF ESOP PROMOTION AND IMPROVEMENT ACT OF 2004

Makes six amendments to the Internal Revenue Code to improve the operation of existing ESOPs for both the plan sponsor and the employee participants, and in some instances make the creation of a new ESOP easier and more attractive.

Section 1. Clarifies that the 1996 and 1997 laws permitting S corporations to sponsor employee ownership through ESOPs allows S corporation distributions on current earnings (referred to as dividends in C corporations) on ESOP shares to be utilized in the same way as dividends under a 1984 law and 1986 law applying to dividends in a C corporation. Specifically, this section would permit the distributions from current earnings by an S corporation on ESOP stock to be passed through to employees without the 10 percent early withdrawal tax currently imposed on the employees. It would also permit distributions on current earnings on ESOP stock to be used to pay the ESOP acquisition debt. Regular income tax will still be due and, in keeping with current law, the S corporation would not be permitted a tax deduction for the distributions from current earnings on ESOP stock. *(The distributions from current earnings are not to be confused with regular contributions to the ESOP by the S corporation which would still continue to be subject to early withdrawal penalties if withdrawn by an employee before death, termination, disability, or retirement.)*

Section 2. Permits the seller of stock to an S corporation ESOP to utilize the current law ESOP tax deferral rollover tax benefit (IRC 1042), under the same restrictions applied to sellers to C corporation ESOPs. In general, to take advantage of IRC 1042, the ESOP must hold at least 30 percent of the corporation's highest class of stock at close of transaction, and the seller must reinvest the proceeds of the sale into the equities of operating U.S. corporations. If these conditions and others are met, the seller may defer the capital gains tax on his or her proceeds until he or she disposes of the qualified replacement property acquired with the sale proceeds. Furthermore, the benefit is applicable only to sales of non-publicly traded stock.

Section 3. Reverses a series of federal court decisions that have upheld a 1989 regulation by the Internal Revenue Service that includes tax deductions taken for dividends paid on ESOP stock when calculating a C-corp's AMT liability. This IRS regulation imposes the corporate AMT under an interpretation of IRC Section 56 that deductible ESOP dividends are included under the preference item known as ACE, or adjusted current earnings. Despite reasoned challenges to the IRS regulation by three taxpayers, courts have upheld the IRS regulations.

Section 4. Makes two minor changes to IRC Section 1042 (first enacted in 1984). The changes would make this ESOP tax benefit more reasonable, particularly due to developments since its enactment. Specifically, this section permits the proceeds from a 1042 sale to be reinvested in mutual funds that are invested in U.S. equities, and provides that an owner of 25 percent or more of one class of non-voting stock will not be automatically prohibited from participating in an ESOP with 1042 securities, and aggregates

the 25 percent owner restriction on participation in a 1042 ESOP to all of the outstanding shares of the corporation, not just one class of shares.

Section 5. Permits early withdrawals from ESOPs (as with other ERISA plans) for purposes of a first time home purchase or payment of college tuition, with various restrictions, including that the withdrawal may not be more than 10 percent of an account balance, and the individual has had to participate five years in the ESOP.

PAYING TRIBUTE TO SCOTT TUCKER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to rise today to recognize Scott Tucker of Golden, Colorado. Recently, Scott announced his retirement from his position as the executive director of the Urban Drainage and Flood Control District. As he moves on to future challenges, I would like to acknowledge his dedication and commitment to better his community before this body of Congress and this nation.

Scott has committed his career to addressing and solving problems pertaining to water resources in urban communities. After receiving a bachelor's and master's degree in civil engineering, Scott began his career in water resources. He first came to work in Colorado in 1970 for the Urban Water Resources Research Program. Two years later he joined the Urban Drainage and Flood Control District, where he is now the Executive Director. As Executive Director, he oversaw programs involving master planning, design and construction, maintenance, floodplain management, and projects involving the South Platte River. He retires from Urban Drainage and Flood Control District after thirty-two years of service.

In addition to his work in water resources, he is an active member of his community. As an avid skier, he is involved in the National Ski Patrol System, where he holds the leadership position of Treasurer. Additionally, he participates in competitive bicycle racing and is a member of the Bicycle Racing Association.

Mr. Speaker, it is a pleasure to honor the accomplishments and service of Scott Tucker. Scott has dedicated his career to dealing with an issue many people take for granted, water as a resource. His leadership at the Urban Drainage and Flood Control District will be greatly missed, and I wish Scott all the best in his future endeavors.

A TRIBUTE TO REGINA KIM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor Regina Kim in recognition of her assistance to victims of domestic violence and abuse.

For the past 16 years Regina Kim has reached out to thousands of helpless, desperate, and battered women. As the Executive

Director of the Korean Family Counseling and Research Center, Regina assists women victims of domestic violence, physical and mental harassment, and substance abuse with her compassion and dedication. Through counseling and a 24-hour hotline, crisis intervention services, victim advocacy and public education, the Center's mission of helping women and girls taking charge of their lives is put in practice every day. Regina's round-the-clock dedication to those in need is both inspiring and heartwarming.

The Korean Family Counseling and Research Center was the only counseling center for New York's Korean community when it was founded 31 years ago. Today, the rapid growth in Korean immigration to our city has increased the important role of the center.

By providing hope and encouragement to countless women and their families, Regina has won admiration from her colleagues, the local community, as well as people in Korea. In 1992, she was presented the Social Services Recognition Award by the Korean government for her contribution to the Korean-American community. She has also been honored by the City of New York with an award for Distinguished Leadership in the field of Social Services and an award for Exemplary Leadership, Commitment, and Advocacy on Behalf of all New Yorkers.

Regina was educated at the Chong-gu College in Dae-gu, Korea and at the St. Stephens Outreach Network (Social Welfare). She is an active member of The Advisory Council on Democratic and Peaceful Unification and the Civil Air Patrol. This organization also presented her with an award for Distinguished Social Services.

Mr. Speaker, Regina Kim has helped thousands of women who have been victims of domestic violence and abuse. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

SPEECH OF

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. HINOJOSA. Mr. Chairman, I rise today in strong opposition to the Tancredo amendment.

Earlier this summer, I came to the floor to oppose a similar amendment, and I felt obligated, as an American, to come to the floor today to oppose this misguided one.

Community policing has been successful in our diverse neighborhoods because police have proactively convinced immigrants that they should come forward and talk to local police. Mr. Tancredo's amendments would instill additional fear in immigrants, already under attack from certain political forces despite our Nation's history of welcoming them.

The Tancredo amendment is a veiled attempt to paint immigrants as terrorists and security threats. These immigrants contribute to our economy. They harvest our food, work in our factories and only want to realize the American dream for themselves and their families.

I quoted it the last time I came to the floor, and I will quote it as often as necessary to make my point.

As is inscribed on the Statue of Liberty, we need to remember here in Congress the generous invitation that the United States has always extended to the world: "Bring me your tired, your poor, your huddled masses, yearning to be free, the wretched refuse of your teeming shores. Send these, the homeless tempest tossed to me. I lift my lamp beside the Golden Door."

I fully understand that we need a responsible immigration policy that enhances and ensures our national security. However, the Tancredo amendment is divisive and will, in fact, reduce our security. I strongly encourage my colleagues to oppose this amendment.

TRIBUTE TO PAUL MENDRICK

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Ms. DeGETTE. Mr. Speaker, I rise to honor the notable accomplishments of Paul Mendrick. This remarkable gentleman merits both our recognition and esteem as his impressive record of leadership and invaluable service have improved the lives of countless people.

Paul Mendrick has devoted much of his time, skill and energy to making our State and our community a better place. Born to Joseph and Alice Mendrick in Pueblo, Colorado on October 23, 1948, he graduated from Pueblo South High School and attended classes at Southern Colorado State College. Paul enlisted in the United States Navy in 1970 and served as Yeoman to the Chaplin aboard ship until 1972.

Paul has been a labor leader, political activist and has remained in the vanguard of those dedicated to economic and social justice. During his distinguished career with the United States Postal Service, Paul served in various capacities with the Denver Metro Area Local of the American Postal Workers Union (APWU). He served as President from 1976 to 1992 and again from 1995 until his retirement in 2003. Under Paul's leadership, the Denver local became one of the most progressive locals, and he worked diligently to ensure that Postal Workers were represented fairly and their voices were heard in the United States Congress.

Those who know Paul know that fairness for the working people matters. He is well known for being forthright and a skilled leader not only within the APWU, but in the Labor Movement. For Paul, solidarity has meaning. In 1980, when the Air Traffic Controllers (PATCO) were on strike, Paul and other labor activists opted to travel to the APWU National Convention in Miami, Florida, by motor home rather than cross picket lines to travel by air. As a board member of the Denver Postal Credit Union, Paul was instrumental in lob-

bing Congress against a proposed tax levy on credit unions which still stands today. In 1986, he was among the delegates selected by the AFL-CIO to travel to South America to be part of a grassroots movement to build a worldwide Labor movement.

Paul has also dedicated his life to his family and recently became a grandfather. But for all of life's demanding pressures, Paul has found the time to give back to the community, and he has supported numerous charitable causes. He has spent endless hours working on behalf of the Special Olympics in Colorado and for Muscular Dystrophy. The APWU in Denver has always been a yearly participant in the March of Dimes Walk and, under Paul's leadership, the APWU has continually raised money to feed the homeless and take care of those less fortunate.

It comes as no surprise that Paul was recently elected Secretary-Treasurer of the Colorado AFL-CIO and continues to lobby for worker rights and a decent workplace. He has dedicated his life to working people and has brought both respect and dignity to the Labor Movement. He has used his inestimable skills and talents to advance the public good and the well-being of all our people.

Please join me in commending Paul Mendrick, a distinguished citizen. It is the strong leadership he exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans.

IN HONOR OF GEORGE W. DAVIS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. FARR. Mr. Speaker, I rise today to honor the life of George W. Davis, a longtime member of the Watsonville community, who passed away June 7th, 2004 at the age of 83. George is survived by his wife of 60 years, Mildred Davis, his daughter, his sister, and numerous nieces and nephews.

George served in the Navy as a blimp pilot in 1941 during World War II. He transferred to the Watsonville airport following the war, starting his own construction business in 1948. Throughout the next decades, George built more than 100 area schools, including facilities at Cabrillo College, University of California at Santa Cruz, Aptos High School, Salesian Sisters and Moreland Notre Dame School. He also built numerous churches and other public buildings, including the Watsonville Youth Center. George's dedication to the youth of our community is outstanding, a commitment that we will cherish always. His accomplishments have shaped the Central Coast into the strong community it has become today.

Mr. Speaker, I am immensely grateful for the tremendous gift George gave to our community. His legacy will be cherished for countless generations. I would like to extend my condolences to his family and friends.

HONORING JERRY WHYATT
MONDESIRE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments of journalist, former Congressional staffer, Pennsylvania State NAACP Vice President, Philadelphia NAACP President, and activist Jerry Whyatt Mondesire. Mr. Mondesire has consistently proven himself to be a proponent of civil rights and an agent of social activism here in the United States and around the world.

Mr. Mondesire's career as a journalist began in college, where he discovered that each of his school's four student newspapers intentionally overlooked the concerns and affairs of the school's African-American student minority. In response to this negligence, and to address the diverse needs of the student body, he helped found an Afrocentric magazine. Within a year, Mondesire took control of one of the campus' weekly papers and set up a fully integrated staff.

Mr. Mondesire's post-collegiate journalistic career was further marked by the activism that had so deeply characterized his years in college. After a decade in mainstream journalism, he concluded that the "glass ceiling" that denied African-Americans to work and excel to their full potential was present in that field. He left his editorial position at a major Philadelphia newspaper in order to become Chief of Staff for the Majority Whip of the U.S. Congress; there he was able to utilize his talents to combat both foreign and domestic social inequities. After spending 12 years in the most prestigious Congressional staff position, he rekindled his passion, revitalized his journalistic career and sought to address the issue of the journalistic glass ceiling by helping start The Philadelphia Sunday Sun.

In the past twelve years, Jerry Mondesire has become the host of a radio public affairs program on WDAS FM, the host of a cable television program called "Freedomquest", President of the Philadelphia National Association for the Advancement of Colored People, and Vice President of the Pennsylvania state NAACP. This gentleman is clearly an example of social activism at its best.

It is a privilege to recognize someone whose ambition, motivation, and desire for social equality are an inspiration to all Americans. I ask you and my other distinguished colleagues to join me in commending Mr. Mondesire for his lifetime of activism, journalistic integrity, and perseverance.

COMMERCIALIZATION OF GOVERNMENT RESEARCH AND DEVELOPMENT (HEALTHY IT ECOSYSTEM)

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. HOLDEN. Mr. Speaker, I rise today in recognition of the Government's vital role in developing a healthy and growing information technology sector.

A variety of national and international studies indicate that the broad-based deployment

of information technology can have a substantial impact on our nation's economic productivity and growth as well as the educational and social success of our citizens. Accordingly, it is our task to ensure that the Government formulates policies that foster the continued development of the IT sector while also providing for citizens' access to technology and opportunity for economic advancement.

Among the most important ways that the Government can assure the robustness of our information technology sector and broad deployment of technology are by continuing to fund IT research and development and by adhering to technology-neutral policies that support market-based innovation, including by enabling firms to capitalize on the intellectual property they add to government-funded technologies. Private firms are generally willing to commercialize publicly funded research only if they can protect the intellectual property they contribute to the development process in a manner that allows them to secure a return on their investment. Thus, for example, it is vital that the government licenses software developed with public research funds under terms that enable private resources to develop such software into commercially viable products.

Over the years, U.S. businesses and industry have proven extremely adept at developing successful new products from cutting-edge technologies. Many of the private sector's most successful products and technologies have been developed in no small part due to sound public policy that fosters innovation. This is especially true in the information technology sector. With the support of the Federal Government—both through funding and through technology-neutral policies that promote commercialization—we can ensure that the information technology sector remains robust and continues to innovate for the benefit of our economy and the health and welfare of our citizens.

PAYING TRIBUTE TO MILES STOTTS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to rise and pay tribute to Miles Stotts of Pitkin County, Colorado. Recently, Miles announced his retirement from his position as Director of Natural Resources for Pitkin County. As he moves on in his career to undertake new challenges, I would like to take this opportunity to recognize his accomplishments before this body of Congress and this nation.

In 1996, Miles came to Pitkin County, when he accepted a position as Manager of Construction overseeing the remaking of the county's landfill. Upon successfully creating one of the most ecological landfills in the state, he took a job as the county's Director of Natural Resources. This job required managing a wide variety of responsibilities for the county. During his tenure, he has been responsible for accrediting restaurants, preventing the spread of the West Nile virus, and monitoring septic systems, water quality and wildlife. One of his most significant achievements was overseeing the successful passage of the Wildlife Protection Ordinance, a mandate for bearproof garbage cans.

Mr. Speaker, Miles Stotts has shown his commitment to the citizens of Pitkin County in his care for the environment. Miles leaves behind a legacy for his work as the Director of Natural Resources, and his oversight and leadership in developing the county's new landfill. Thanks for all your hard work Miles, and I wish you the best in your future endeavors.

A TRIBUTE TO KEITH ALEXANDER GLASCOE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Keith Alexander Glascoe.

This weekend a street in New York City will be dedicated and named in honor of Keith Alexander Glascoe. This is a fitting tribute to an honorable man.

In his life, he traveled down many streets and by-ways. The message of his life was to always keep moving down the road and to never be sidetracked by any obstacles.

As we know, he played football from the time he was a child. He had the rare ability to be both a team player and an outstanding individual player. He not only contributed to several championships on his high school and college teams, he also had the rare opportunity to try out for the New York Jets and played professional football in Italy.

As a testament to his ability to move between many arenas, this athlete was also an actor. And I think that the fact that he was able to accumulate so many acting credits in such a short period of time, not only speaks to his talent, but also his perseverance. Few people have this kind of uncommon versatility coupled with determination. But Keith was not only a determined person, he was a concerned person. He wanted to make things better for others.

So this athlete and actor, added public servant to his list of credits. This is why he worked at New York City's Child Welfare Agency and this is why he went to work for the New York City Fire Department.

And this is exactly the right street to name in honor of Keith because it is situated between Adam Clayton Powell, Jr Boulevard and Malcolm X Boulevard. Keith's street belongs between these two streets that are named after two African-American men who devoted themselves to improving the lives of ordinary people.

Keith Glascoe was the kind of man who saw a problem and wanted to find a solution. He was the kind of man who saw a need and sought to fill it. He was the kind of man who helped others. And gave his life in the process of doing so. That is why it is fitting that we name this street after this great public servant.

INTRODUCTION OF THE CLINICAL RESEARCH ACT OF 2004

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. WELDON of Florida. Mr. Speaker, I am very pleased to join with my colleague from

Pennsylvania, Mr. DOYLE to introduce the "Clinical Research Act of 2004." This bill will address many of the problems confronting our Academic Health Centers as they attempt to leverage the enormous biomedical research gains made in the past century.

Breakthroughs in basic biomedical sciences, including human genomics, biomedical engineering, molecular biology, and immunology, over the past five decades have provided an unprecedented supply of information for improving human health. As a member of the Labor-HHS-Education Appropriations Subcommittee I am proud to say that the remarkable strides that have been made in basic science would not have occurred without the support of Congress and the general public. While we realize that research may not produce results overnight, we, as stewards of the taxpayers' dollar have every right to expect that the fruits of that research will result in better treatments for patients. This requires a clinical research infrastructure capable of translating, in a systemic and rational way, the fruits of basic research into improved patient care.

I, along with many of my colleagues in the Congress and the public in general, have become increasingly concerned that we have been too slow in getting improved patient therapies and interventions from the enormous investment we have made in basic research. Many in this Congress have expressed concern about the apparent disconnect between the promise of basic science and the delivery of better health care for the citizens of this country. Without strong Academic Health Centers capable of conducting clinical research the promise of improving the health of the American people will continue to elude us.

Unfortunately, the clinical research environment in the Academic Health Centers is encumbered by rising costs, inadequate funding, mounting regulatory burdens, fragmented infrastructure, incompatible databases, and a shortage of both qualified investigators and willing study participants.

This bill, through its clinical research support grants, infrastructure grants, and partnerships in clinical research grants will provide our Nation's Academic Health Centers with the resources they need and the opportunity to meet the public's expectations. This bill is specifically aimed at improving the translation of this new medical science knowledge to directly benefit those suffering from a wide array of diseases that impact all too many lives.

If we are going to fully benefit from the enormous investment of taxpayer dollars in biomedical research it is important that we move this legislation forward.

I urge my colleagues to support this bill.

INTRODUCTION OF H.R. 4787

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. ROGERS of Michigan. Mr. Speaker, over the years, the safety of vehicles and passengers in a funeral procession have been of significant concern to both funeral directors and law enforcement officials. Various means have been utilized to alert the public to a funeral procession and to protect its integrity.

However, these methods are haphazard, lack uniformity and rely on local and state rules and regulations, if any, for enforcement. With the advent of private vehicles with daytime running lights as a standard feature, increased traffic congestion in urban areas, road rage and an increase in the number and variety of law enforcement and emergency vehicles, funeral processions have become more and more vulnerable to accidents and other hazardous conditions. Furthermore, with this increased risk comes increased liability exposure for the funeral home and funeral director resulting in increased financial strain. Therefore, the use of Mobile Infrared Transmitters by authorized personnel only as well as increased use of law enforcement personnel as funeral procession escorts would go a long way in addressing this very real problem. My bill would protect the authorized user and impose penalties and jail time for an unauthorized user or seller.

HONORING THE MEMORY OF MRS.
VICTORIA SOTO CANDELARIA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great admiration that I rise today to honor the memory of Mrs. Victoria Soto Candelaria for her lifelong contributions to her community. Victoria passed away unexpectedly on July 4, 2004. Victoria was a pioneer educator who touched the lives of numerous students, both in and out of the classroom. She was also a union leader, activist, and community advocate, and her numerous accomplishments are worthy of the highest commendation.

After earning a bachelor's degree from Indiana University and a master's degree from Purdue University, Victoria devoted twenty-nine years to the School City of East Chicago teaching English and Spanish. In 1987, she was elected President of the East Chicago, Indiana Federation of Teachers, Local 511, a position she held until 2001. Additionally, Victoria was President of the Indiana Teachers Federation from 1997 until 2003. As well as being dearly loved and respected by her family and community, Victoria was known for her passionate belief in helping to educate the working people in her community.

Victoria strongly believed in the importance of community involvement as well as political activism. She served as secretary of the Northwest Indiana Federation of Labor and as Vice President of the Indiana AFL-CIO. She also served on the Board of Directors for the Lake County Integrated Services Delivery and for the Lake Area United Way. Victoria was a trustee for Ivy Tech State College and for the Indiana Federation of Teachers. In the political arena, she was a member of the Indiana Governor's Roundtable on Education and a member of the Governor's Commission for Hispanic and Latino Affairs. She was a three time National Education Policy advisor to President Clinton, a delegate to the Indiana Democratic Convention, and a delegate to the Democratic National Convention in 1992 and 1996. Victoria received invitations to the presidential inaugurations in 1993 and 1997. She was also honored with the Sagamore of the Wabash in 1997.

While her work in the educational and political fields placed extraordinary demands on her time, Victoria always found time to spend with her most important interest, her family. By providing unwavering guidance to her children, she instilled in them the morals and fortitude that have molded her children into successful adults who are raising families of their own. She is survived by her loving husband of 42 years, Isabelino, three sons and one daughter, eight grandchildren, and a host of other relatives.

Mr. Speaker, Victoria Soto Candelaria dedicated her life to educating the nation's youth and serving as a leader and role model for all Americans. Because of her lifetime work and achievements, Mrs. Candelaria has been lauded as a tireless, passionate, and visionary advocate of the people. I respectfully ask that you and my other distinguished colleagues join me in remembering Mrs. Candelaria and her outstanding contributions to Indiana's First Congressional District. She will be admirably remembered and truly missed.

PROVIDING SUPPORT FOR PUBLIC
AND PRIVATE SECTOR RE-
SEARCH AND DEVELOPMENT

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. PICKERING. Mr. Speaker, I rise today to express support for one of government's most important contributions to the economic welfare of this nation: providing support for public and private sector research and development.

U.S. businesses and industry have proven extremely adept at developing successful new products from cutting-edge technologies. Many of the technologies that underlie these products and spur economic growth were originally developed with federal support.

The extent to which publicly funded research stimulates further innovation depends in large part on whether it is disseminated under terms that attract the private investment needed to commercialize the research. Private firms, however, are generally willing to commercialize publicly funded research only if they can protect the intellectual property they contribute to this process in a manner that allows them to secure a return on their investment.

The importance of intellectual property rights in driving new research and its commercialization is illustrated by this Nation's own experience in funding university R&D activities. In the 1970s, too little federally funded research was being commercialized as a result of tight restrictions on licensing, varying patent protections among federal agencies, and the lack of exclusive manufacturing rights. Indeed, in 1980 only five percent of U.S. government-owned patents resulted in new or improved products.

In response to this problem, the U.S. Congress in 1980 passed the Bayh-Dole Act, which established a uniform government patent policy and allowed universities and other nonprofits to retain title to federally-funded inventions and to work with private-sector companies in bringing them to market.

By any measure, the Bayh-Dole Act has been remarkably successful and today the

federal government provides a majority of all university research funding. According to the last survey on the impact of the Bayh-Dole Act conducted by the U.S. Association of University Technology Managers, in 2000 alone this research spawned 347 new products, 13,032 invention disclosures, 6,375 U.S. patent applications, 3,764 U.S. patents issued from previous applications, 4,362 new licenses, and the creation of 454 new companies. Moreover, universities received \$1.26 billion in licensing revenue from these activities. Much of this money in turn is reinvested in further research and development.

Technological innovation and government support for it are central not only to the Nation's economy, but also to the health and vitality of our citizens. With the continued support of the Federal Government—both through funding and through licensing policies that promote commercialization such as those embodied in the Bayh-Dole Act—we can continue to ensure that technology is developed and made available to the private sector in a manner that spawns further innovation, for the benefit of our economy and the health and welfare of our citizens.

SAN DIEGO WATER STORAGE AND
EFFICIENCY ACT OF 2004

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. HUNTER. Mr. Speaker, my San Diego Congressional District suffers from the same problem that exists throughout all of the West—a diminishing supply of usable water. As populations increase, and resources are evermore stretched between agriculture, municipal, and environmental uses, we must be smarter with our current water use. To address this problem, San Diego has had great success. In recent months, we completed a landmark deal with our Imperial County neighbors that will provide up to 200,000 acre feet of new water per year for our growing city. San Diego County has embarked on a remarkable regional seawater desalination program to tap the nearby Pacific Ocean. Water efficiency efforts spearheaded by the San Diego County Water Authority have resulted in our ability to rely on the same amount of water we used in the year 1990—even though our population has swelled by nearly 20 percent. This is great progress, but we have more to do.

For this reason, today I am proud to introduce the San Diego Water Storage and Efficiency Act of 2004. The legislation helps the Sweetwater Authority, which administers much of the water supply in my district, make maximum use of the water they manage by enabling them to more fully use their existing reservoirs.

In 1993, the Army Corps of Engineers determined that one of the top methods to ensure greater water reliability in San Diego County was to connect three isolated reservoirs—the San Vicente, which receives raw, imported water, and the Loveland and El Capitan Reservoirs, which receive only local runoff and are rarely full. By connecting the three, we can ensure that the ability to use available water storage is maximized. This legislation authorizes a \$3 million federal feasibility study of the reservoir intertie project.

I look forward to working with House Resources Committee Chairman POMBO, as well as Water and Power Subcommittee Chairman CALVERT, both stalwart advocates for our State's water needs, in advancing this legislation.

Mr. Speaker, this bill will promote conservation and increase the reliability of our regional water supply, and I urge my colleagues' thoughtful consideration of the San Diego Water Storage and Efficiency Act.

**FREEDOM FOR MIGDALIA
HERNÁNDEZ ENAMORADO**

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Migdalia Hernández Enamorado, a prisoner of conscience in totalitarian Cuba.

Mrs. Hernández Enamorado is a wife, a mother of three and a peaceful pro-democracy activist. Because she believes that a free and democratic Cuba is the best hope for her young children and every citizen trapped in totalitarian Cuba, she has worked to liberate Cuba from the tyrannical regime.

As a result of the tyrant's brutal March 2003 crackdown on peaceful pro-democracy activists, Mrs. Hernández Enamorado, along with her husband Rafael Benítez Chui, went to a police unit in Guantanamo, Cuba, and protested the arrests of Manuel Ubals and Juan Carlos Herrera Acosta. Unfortunately, the tyrant's thugs arrested the married couple while they peacefully protested the abhorrent crackdown on their fellow advocates for freedom and human rights in totalitarian Cuba.

On September 18, 2003, after being held in the inhuman gulag for 7 months, Mrs. Hernández Enamorado was "sentenced" to 2 years in the despotic gulag for the supposed crime of "contempt." In the same sham trial, her husband was sentenced to 4 years. Let me be very clear, Mrs. Hernández Enamorado's three children are living without their parents because these noble pro-democracy activists believe in freedom.

According to a report from Guantanamo by Ada Kaly Márquez Abascal, Mrs. Hernández Enamorado is being abused by prison guards, suffering from high blood pressure, and ailing from a myriad of physical maladies caused by the deplorable conditions in the totalitarian gulag. It is also reported that she is only allowed to see her children for 5 minutes a week and some weeks she is not even allowed that brief visit.

Mr. Speaker, it is unconscionable that Mrs. Hernández Enamorado is languishing in the totalitarian gulag because of her belief in freedom. It is categorically unacceptable that her three daughters are growing up without their parents, and unable to even visit their mother for more than 5 minutes, simply because Mrs. Hernández Enamorado wants them to be raised in liberty instead of repression. My Colleagues, we must demand the immediate release of Migdalia Hernández Enamorado, her husband Rafael Benítez Chui, and every prisoner of conscience suffering under the terrorist regime in Havana.

**PAYING TRIBUTE TO GARY
WERMERS**

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. MCINNIS. Mr. Speaker, it is my privilege to rise to pay tribute to Gary Wermers of Pueblo, Colorado. As a science teacher at Heaton Middle School, he has shown commitment toward educating our youth. Gary is a valuable member of his community, and I am honored to join my colleagues in recognizing Gary's tremendous work before this body of Congress and this nation today.

Gary teaches science to seventh grade students at Heaton Middle School in Pueblo. His value in teaching goes well beyond his ability to convey the subject matter in the curriculum as he strives to stress moral and civilized behavior of his students. For his efforts and accomplishments in the classroom, he was recently awarded the 2004 Teacher of the Year Award from the Wal-Mart Corporation. In addition to his time teaching in classrooms, he attempts to connect with students as a mentor in activities where students find interest. He coaches the boys' basketball team, and sponsors the student council and the Fellowship of Christian Hawks.

Mr. Speaker, Gary Wermers has clearly been an outstanding influence on our youth. The community benefits from him as an excellent educator, but it is the individual students who benefit the most from his personal and lasting style of teaching. I thank Gary for his important work in his community, and wish him all the best in his future endeavors.

HIGH PERFORMANCE COMPUTING

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. GUTKNECHT. Mr. Speaker, high performance computing has become very important to the competitiveness of this country. Supercomputers help us solve some of the most critical scientific, business, and homeland security problems in this nation. I would like to highlight what the citizens in my district working at IBM are doing to advance high performance computing.

I recently visited the Rochester, MN facility of IBM in my district. There I learned about IBM's newest supercomputer, Blue Gene/L.

Blue Gene is an IBM project to build a new family of supercomputers optimized for bandwidth, scalability, and the ability to handle large amounts of data while consuming a fraction of the power and floor space required by today's fastest systems. IBMers in my district are exploring how to harness Blue Gene's massive computing power to model the folding of human proteins. This technique is expected to give medical researchers better understanding of diseases and potential cures.

Two prototypes of IBM's Blue Gene/L now rank #4 and #8 on the latest list of the Top 500 fastest supercomputers. When Blue Gene/L is finished, it is expected to rank #1 on the Top 500 list next year, overtaking the Japan's Earth Simulator.

The citizens of my district and IBM take their commitment to innovation, competitiveness, and the advancement of high performance computing in this nation very seriously. The most advanced supercomputing skills in the world are right here in the United States—and in my district. With the leadership of IBM and the Minnesotans it employs, the innovative advances keeping our county competitive will remain firmly rooted in the U.S.

**NATIONAL INNOVATION
INITIATIVE**

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. ISAKSON. Mr. Speaker, America's ability to innovate will determine our citizens' standards of living and competitiveness in the 21st century. I would like to highlight what leaders in my district, IBM and Georgia Tech, are doing to ensure that America remains the most innovative country in the world.

Sam Palmisano, the CEO of IBM, and Wayne Clough, the President of Georgia Tech, launched a National Innovation Initiative last fall through the Council on Competitiveness. They have pulled together hundreds of the nation's top minds from industry, academia, and government to develop a national agenda that will be released in December of this year. An interim report will be issued soon.

These leaders understand that innovation relies on much more than science and technology funding, although that remains important. Innovation is putting new ideas into action to better our lives—a blend of invention, insight and entrepreneurship that launches new growth industries and creates high-value jobs. Innovation can be a new product, process—or increasingly in our economy—a service.

Our future relies on whether we establish an ecosystem of smart policies that recognize how innovation is changing in our global, open and connected economy. The National Innovation Initiative will sharpen our understanding of contemporary innovation and recommend bold action on many fronts to ensure that America has the talent, infrastructure, and investment to succeed.

I salute IBM and Georgia Tech for their leadership; look forward to reviewing the National Innovation Agenda; and pledge to be a partner in keeping the United States at the forefront of innovation.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. BECERRA. Mr. Speaker, on Tuesday, July 6, 2004, I was unable to cast my floor vote on rollcall Nos. 326 and 327. The votes I missed include rollcall vote 326 on the Motion to Suspend the Rules and Agree, as amended, to H. Con. Res. 410, Recognizing the 25th Anniversary of the Adoption of the Constitution of the Republic of the Marshall Islands; and rollcall vote 327 on the Motion to

Suspend the Rules and Agree to H. Con. Res. 257, Expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery.

Had I been present for the votes, I would have voted "aye" on rollcall votes 326 and 327.

PERSONAL EXPLANATION

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. CARDIN. Mr. Speaker, on July 6 and July 7, I was away from Washington on official Congressional business. During that time, I was unable to vote on several issues of importance to the people of my district. Had I been present, I would have voted "aye" on rollcall No. 328, "aye" on rollcall No. 329, "no" on rollcall No. 331, and "aye" on rollcall No. 332.

PERSONAL EXPLANATION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. BERMAN. Mr. Speaker, I was unavoidably detained and unable to cast a number of rollcall votes. Had I been present, I would have voted "no" on rollcall No. 305, "no" on rollcall No. 306, "no" on rollcall No. 307, "no" on rollcall No. 308, "no" on rollcall No. 309, "no" on rollcall No. 311, "no" on rollcall No. 312, "yes" on rollcall No. 314, "no" on rollcall No. 315, "no" on rollcall No. 316, "no" on rollcall No. 317, "no" on rollcall No. 318, "yes" on rollcall No. 319, "no" on rollcall No. 320, "yes" on rollcall 322, "yes" on rollcall No. 323, "no" on rollcall No. 324, and "yes" on rollcall No. 325.

ADAM G. KINSER POST OFFICE BUILDING

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. OSE. Mr. Speaker, a national hero, a loving son and brother, a dedicated student, athlete, and a proud father to-be. These are just a few of the phrases that can be used to describe Adam Kinser of Rio Vista, CA. Although no list of descriptions can ever fully do justice to understanding the bravery and compassion of a young man who gave his life for his country at the age of 21.

Adam Gareth Kinser was born in 1983 in Valencia, CA and grew up in Rio Vista with his parents and four younger siblings from the time he was five. There was nothing typical about Adam, who from a young age was a standout, not only among his peers and teammates, but to his teachers and family as well. Adam was a hard-working student, even serving as a teaching assistant in some classes.

Bill Fulk, a former teacher of Adam's, praised the young man as the "best the

United States had to offer." He was a role model to other students, demonstrating a positive attitude, kind heart and willingness to help. He was an outstanding varsity athlete, running track, playing basketball, and was the starting quarterback for 3 years. His strong leadership and commitment didn't end at school or on the field though, he was also a mentor and protector to his younger siblings, one of whom recalls that Adam "was always protecting me even when I didn't want it."

Perhaps it was not a surprise that Adam also wanted to serve and protect his country, when he joined the Army Reserve during his senior year of high school. Adam was in boot camp at Fort Bragg, NC, when the terrorists attacked the World Trade Center on September 11, 2001, and was sent to Afghanistan in July 2003.

Adam returned home during Christmas, where his wife, Tiffany, surprised him with an ultrasound of their soon-to-be-born son. He was ecstatic and could not wait to be a father, counting down the days until he would be reunited with his wife and new baby. This did not stop Adam from taking pride in the job he was doing for his country and in the bonds that he treasured with his fellow soldiers.

Adam returned to Afghanistan after Christmas, serving in the Army Reserve's 304th Psychological Operations Company. However, on January 29, 2004, Adam and eight other soldiers were working near a weapons cache near Ghanzi, 60 miles southwest of Kabul, when an explosion took place that claimed his life and those of his fellow soldiers.

Adam's death has sent Rio Vista into a period of mourning and loss for the young man that many of them knew and loved so well, and had watched mature into a brave leader. The community of Rio Vista remembers him fondly, and will surely miss him, not least of all his family and newborn son.

Adam was the first Rio Vistan to give his life in wartime since the Korean War. As Rio Vista Mayor Marcie Coglianese said, "he is the embodiment of all our values." In order to ensure that the memory and name of this young man, father, and soldier, lives on, the least we can do is to re-name the post office in his home town, as an honor for the town, family and country that produced such a great man.

HONORING THE LIFE OF U.S. MARINE RODERICKA ANTWAN YOUMANS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. WILSON of South Carolina. Mr. Speaker, this week South Carolina learned the sad news that a U.S. Marine, Private Rodericka Antwan Youmans from Allendale, S.C., was killed by terrorists while serving in Iraq.

Pvt. Youmans will be remembered for making the ultimate sacrifice to protect American families in the War on Terror. The thoughts and prayers of the entire Wilson family are with his friends and family.

I ask all of my colleagues to join me in expressing our deepest sympathies to Pvt. Youman's two children, fiancé, brother and parents.

I request that the following article from The State be added to the RECORD.

[From The State, July 8, 2004]

ALLENDALE MARINE DIES IN IRAQ

(By Chuck Crumbo)

A bomb attack by Iraqi insurgents has killed a 22-year-old Marine from Allendale, the man's family said Wednesday.

Pvt. Rodericka Antwan Youmans was one of four Marines who died Tuesday near Fallujah in Iraq's Al-Anbar province, said his father, Johnny Youmans.

The elder Youmans said Marine Corps officials notified him of his son's death Tuesday.

"I was coming home, and I saw a government truck in front of the house. I knew it was nothing good," said Youmans, a 29-year military veteran.

The Marines had not released by late Wednesday the name of Pvt. Youmans as one of the fallen Leathernecks. The Marines said only that the troops were conducting security operations in the province.

Three Marines died Monday in a similar incident in An-Anbar.

Twenty-one other members of the armed services with ties to South Carolina have died in the Iraq war. He is the second casualty from Allendale County.

Marine casualty officers notified the family of his son's death about 4:30 p.m. Tuesday, Youmans said.

The Marines first broke the news to Youmans' wife, Amaderlene. As he approached the house, his 17-year-old daughter, Sholanda, came out and told him Rodericka was dead, Johnny Youmans said.

Johnny Youmans, a staff sergeant in 163rd Support Battalion of the S.C. Army National Guard, has been on active duty for 1½ years. He is serving on a security detail at Seymour-Johnson Air Force Base, N.C.

Youmans said his son called home last week to say he was doing fine and that "he loved all of us."

On Monday, Rodericka Youmans called his 20-year-old fiancée, Stephanie Cuthbertson of Allendale.

They were planning to marry in September when his unit was scheduled to return to Camp LeJeune, Cuthbertson said.

"I loved everything about him. His sense of humor and the way he treated me. He was very sweet and very giving," she said.

Rodericka Youmans, a graduate of Allendale-Fairfax High School, joined the Marines about a year ago and went through boot camp at Parris Island, Youmans said.

"He was almost 21 when he joined. He couldn't find a job and when he did, he'd get laid off because the economy was so bad. He had two kids (ages 4 and 1) and needed to support them."

Rodericka quickly fell in love with the Marines and wanted to make a career out of the military, Youmans said.

"He liked the respect that he received. It changed his whole life. He wanted to do the right thing."

Other survivors include his children, A-Miyah, 4, and Mekhi, 1; and a brother, Johnny Youmans Jr., 24.

Cave Funeral Service is in charge of arrangements.

CONGRATULATING THE PENNSYLVANIA STATE UNIVERSITY ON ITS 150TH ANNIVERSARY

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. HOLDEN. Mr. Speaker, I rise today to congratulate the Pennsylvania State University

on its 150th year serving the citizens of Pennsylvania and beyond. As the Commonwealth's only land grant institution, Penn State has played a vital role over the years in promoting agricultural and scientific research, workforce development, education, as well as many other initiatives; fulfilling the mission that Congress laid out in The Morrill Act of 1862.

Since its founding in 1854, Penn State has proven to be a leading institution of higher learning. The most recent U.S. News and World Report survey of graduate schools ranks a number of programs at Penn State among the nation's top ten, encompassing a wide array of subjects ranging from nuclear engineering to vocational/technical education.

Penn State has also continued to be a leader in Pennsylvania's largest industry: Agriculture. The University has a long history of innovations in this field, beginning in 1861 when it was the first American institution to confer baccalaureate degrees in agriculture. Today, Penn State's College of Agricultural Sciences continues to lead the way in agricultural research and promotion through such programs as the Penn State Cooperative Extension, a number of international exchange programs, and the Penn State Agricultural Council. As a member of the House Agriculture Committee, I have seen first hand the exceptional work that College of Agricultural Sciences does and the services it provides to Pennsylvania's farmers.

Penn State University is also nationally recognized for the exceptional research and patient care provided at the College of Medicine, located in my Congressional District in Hershey, PA. This includes the recent partnership with the National Naval Medical Center to conduct cancer research. This joint venture will lead to important new advances in discovery, early detection, evaluation, treatment and prevention of cancer that will benefit both the military and civilian population. The Penn State College of Medicine has demonstrated great benefits to the local community as well as the state in general. According to a recent study, the College of Medicine has generated nearly \$35 million in state tax revenue and created more than 13,500 jobs both directly and indirectly. In a state that has recently experienced a lack of new and competitive jobs, the value of this cannot be overstated.

Mr. Speaker, over its 150-year history, the Pennsylvania State University has proven to be an invaluable asset not only to Pennsylvania, but also to the entire nation as well. I'm extremely proud to have three Penn State Campuses located within my Congressional district. I ask my colleagues in the United States House of Representatives to join me in congratulating the Pennsylvania State University as we celebrate its 150th Anniversary.

PAYING TRIBUTE TO FRANCISCO CARMONA

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. MCINNIS. Mr. Speaker, it is my privilege to pay tribute to Francisco Carmona and thank him for his work as Customer Service manager with the Seattle Washington Passport Agency. His years of commitment and dedica-

tion as a public servant is certainly commendable and worthy of recognition before this body of Congress and this nation today. Along with my fellow Americans, I am grateful for all that he has accomplished during his years of service.

Francisco attended the University of Washington. In 1986, he joined the State Department in Washington DC, where he assisted in researching routine and intricate passport cases. Francisco became an expert at complex citizenship law as a result of his research. In 1996, he transferred to the Seattle Washington Passport Agency and became the Customer Service manager. Francisco has been instrumental in assisting constituents with obtaining passports in life or death emergencies, complex citizenship cases, and expedited passports for last minute travelers. Francisco has been known to stay late, come in on the weekends and go the extra mile to help the constituents he is serving. He is highly regarded by his peers and superiors.

Mr. Speaker, it is clear that Francisco Carmona has been an invaluable resource to the Seattle Washington Passport Agency. It is my honor to recognize his service and dedication before this body of Congress and this nation. I am grateful for the opportunity to work with devoted public servants like Francisco. On behalf of the citizens that have benefited from the hard work and commitment he has given to the Seattle Passport Agency and the State Department and the constituents they serve, I extend my appreciation for his years of enthusiastic service.

HONORING DR. BLAINE SAYRE

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. CLAY. Mr. Speaker, I rise today to honor Dr. Blaine Sayre for being awarded the "Local Hero in Community Pediatrics Award" from the American Academy of Pediatrics. This award recognizes Dr. Sayre for being a leader through action and advocacy for children in the St. Louis community.

Dr. Sayre is highly committed to improving the health of children. As Medical Director of Health Care for Kids, Dr. Sayre maintains evening and weekend hours to provide accessible, high quality health care services to medically underserved and uninsured inner city children. He also serves as the Medical Director for Healthy Kids Express, which places two large medical vans near inner city schools and community locations to care for kids.

Mr. Speaker, his steadfast commitment and his passionate devotion have earned him the privilege of being honored today before Congress. His sincere dedication to the health of children in the St. Louis community makes him worthy of our recognition and I urge my colleagues to join me in commending Dr. Blaine Sayre.

HONORING THE MARYLAND SHOCK TRAUMA CENTER

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. RUPPERSBERGER. Mr. Speaker, it is truly my honor to stand and recognize the men and women of the Maryland Emergency Medical Services System and the R. Adams Cowley Shock Trauma Center at the University of Maryland Medical Center in Baltimore. After a near-fatal car crash in 1975, I was airlifted to the Shock Trauma Center where a team of dedicated physicians and nurses saved my life. It was a turning point for me and I am grateful.

The Maryland EMS system was the first of its kind in the Nation and the Shock Trauma Center stands as the "core element" of that system. In the late 1950's, long before we watched heroic doctors save lives on television's ER, Dr. Cowley of Maryland envisioned a medical facility dedicated to the mission of saving lives during that first critical "golden hour." What began as a 2-bed unit has grown to become a 102-bed dedicated trauma hospital that treats approximately 7,000 severely injured patients each year.

Dr. Cowley's vision has since become the national model for a fully integrated statewide EMS and trauma system. The Maryland Shock Trauma Center's survival rate is 98 percent. This survival rate is the product of Maryland Shock Trauma's faculty and staff, as well as, its pioneering techniques. Its state-of-the-art facilities and equipment attracts some of the best medical talent in the Nation. Through fellowships and other programs, the center will only continue to set the standard. However, Shock Trauma's success also rests on the efforts of the pre-hospital providers, both career and volunteer, the Maryland State Police Medevac system, the regional trauma centers throughout Maryland and the foresight and leadership of the Maryland Institute for Emergency Medical Services Systems (MIEMSS).

Proud, though I am of these accomplishments, don't just take my word on this. Recently the National Highway Traffic Safety Administration (NHTSA) conducted an assessment of Maryland's EMS and Trauma system. The Maryland EMS system was compared to predetermined "gold standards" and is recognized as positioned "to offer national leadership in promoting the continued development and improvement of other state systems". The report goes on to say that the system's achievements "have much to offer in terms of promoting improved emergency care throughout the United States". This is a well-deserved and hard-won honor to so many dedicated and devoted emergency care professionals in the State of Maryland. Dr. Cowley's vision has become a reality that has exceeded everyone's expectations thanks to the unceasing efforts of pre-hospital providers, doctors and nurses and administrators, along with the unfailing support of Maryland's elected officials and its citizens.

I am grateful for the Maryland EMS and Trauma system, and particularly the Maryland Shock Trauma Center—for my family and the families of so many thousands of other survivors. I am honored to stand here today and recognize this amazing trauma system.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in this Chamber on July 6, 2004. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 326 and 327.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes:

Mr. KIND. Mr. Chairman, I want to thank Chairman WOLF and Ranking Member SERRANO for all their hard work in putting the Commerce-State-Justice and Related Agencies Appropriations bill together. This legislation, while never perfect, includes important funding for programs helping our local economies grow, and keeping our communities safe.

I particularly commend the Appropriations Committee for providing \$106 million for the Manufacturing Extension Partnership (MEP) program within the Department of Commerce's National Institutes of Standards and Technology. Through a national network of manufacturing extension centers, MEP is designed to benefit domestic manufacturers by providing expertise and services tailored to their most critical needs. This includes assistance in process improvements, worker training, and information technology applications. In Wisconsin, MEP has served over 110 firms. Unfortunately, the Bush Administration has repeatedly cut funding for MEP; the President's budget request has consistently cut funding for MEP, proposing an 83 percent reduction in FY04 and a 60 percent reduction in FY05.

In western Wisconsin, the Northwest Manufacturing Outreach Center (NWMOC), one of two MEP Centers in Wisconsin, has provided assistance to more than 900 companies over the past 10 years. Frank Borg, Joe Benkowski, and their team at NWMOC travel throughout northern Wisconsin helping companies ensure businesses are able to compete and grow in the global marketplace. Restoring funding to \$106 million is critical to MEP's success in Wisconsin and throughout the Nation.

I also want to thank the Committee for restoring funding for State and local law enforcement activities which the President's budget proposed slashing by over 80 percent. The legislation restores funding for the Byrne Justice Assistance Grants and Byrne Discretionary Grants. In addition, the legislation rejects drastic cuts proposed by the President for the COPS program. In western Wisconsin,

and throughout the Nation, the COPS program is more important than ever. As many rural law enforcement offices are being called up for service in the National Guard and military Reserves, the COPS program provides resources necessary to help communities meet law enforcement challenges.

In addition, the legislation provides \$60 million to help fight methamphetamine production and distribution. Methamphetamine abuse has been increasing in rural Wisconsin, and we must continue to help fight against this dangerous drug.

Mr. Chairman, the legislation before us provides many important resources for our local communities, and I urge my colleagues to support it.

TRIBUTE TO TONY NAPOLET

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. RYAN of Ohio. Mr. Speaker, I rise today to pay tribute to Mr. Tony Napolet. Coach Napolet was recently recognized as Man of the Year by The Mahoning Valley Italian-American Sports Hall of Fame. Born on July 4, 1938 in Warren, Ohio, Mr. Napolet has long been an active leader in our community.

His service and leadership in the community began with his football career at St. Mary's High School in Warren, where in his senior year he led his team as captain. Mr. Napolet went on to play football while attending Marquette University where he received his undergraduate degree in Education, beginning a career dedicated to teaching both in and out of the classroom. He started his football coaching career at Marquette while studying at Marquette Law School. Returning to Ohio in 1961, Coach Nap taught at Harry B. Turner Junior High School while coaching the football, basketball and track teams. His amazing coaching skills and extraordinary dedication to the sport led to his first head football coaching assignment at JFK High School in 1970. Coach Napolet went on to coach at a number of different schools over the years, including a position at St. Mary's Middle School, which he describes as one of the most rewarding experiences he has had in athletics.

In 1990, Coach Napolet returned as head football coach at JFK High School. Thanks to his impressive leadership, his first year back resulted in the Kennedy Eagles winning the State Championship. During the sixteen years as the Eagles' head coach, Mr. Napolet has had seven playoff appearances and has won 124 out of 180 games.

It is also with great honor that I recognize the members of Coach Napolet's family: his three children: Harold, Mario, and Natalie; and his grandchildren: Aarika Marie, Anthony Mauro, Mario Anthony and Olivia Rose. I am pleased to know Coach Napolet and to consider him a friend. He is well known for his community work at St. Mary's Church and his constant involvement in many church affiliated projects.

His longstanding support of local baseball, basketball, and football teams has allowed the community's youth to participate actively in sports. Mr. Napolet is a proud descendant of Italian-Americans, and on behalf of the people

of the 17th Congressional District, I want to thank Mr. Napolet for his outstanding commitment to our youth, education, and community. Mr. Napolet stands as an inspiration for all of us.

RECOGNIZING THE JOHNS HOPKINS HOSPITAL FOR ITS 14TH CONSECUTIVE YEAR IN TOPPING U.S. NEWS & WORLD REPORT'S RANKING OF AMERICA'S HOSPITALS

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. CUMMINGS. Mr. Speaker, I rise the 14th consecutive year that the Johns Hopkins Hospital has topped U.S. News & World Report's assessments of American hospitals. This distinction places them in the company of well-respected hospitals such as the Mayo Clinic and Massachusetts General Hospital.

Located in my district in Baltimore, Maryland, Johns Hopkins Hospital ranks in the top ten for 16 out of the 17 specialty categories including: # 1 in Gynecology, Otolaryngology and Urology; #2 in Geriatrics, Kidney Disease, Neurology/Neurosurgery, Ophthalmology and Rheumatology; #3 in Cancer, Digestive Disorders, Hormonal Disorders, Pediatrics, Psychiatry and Respiratory Disorders; and #4 in Heart/Heart Surgery and Orthopedics.

Time and time again Johns Hopkins has been noted as one of the country's best hospitals, boasting some of the world's most renowned surgeons, notably my friend, Dr. Ben Carson—so it is no surprise that Hopkins has once again received this great distinction.

Though these rankings bode well for the institution, the true recipients of these accolades are the doctors, nurses and staff. These people commit their time and energy to the work of the Hospital and the patients, and it is their professional excellence, like the 2003 Nobel Prize in Chemistry (won by Peter Agre), for the first triple-swap kidney transplant and other similar distinctions, that encouraged this collective recognition of Johns Hopkins Hospital.

Mr. Speaker, this recognition represents Johns Hopkins Hospital's commendable strides to improve development and to encourage the most conducive working environments. In 2003, the Hospital increased its infrastructure development as they moved scientists into a \$140 million research building—the new front door to the School of Medicine—and broke ground on a second Cancer Research Building. Also, construction commenced on infrastructure for two patient care towers at The Johns Hopkins Hospital and at the Howard County General Hospital to open larger inpatient operating rooms, while the suburban outpatient facilities continue to expand.

In addition to this development, Hopkins Hospital has continually supported excellence in global education and healthcare—evident in the Hospital's 2003 opening of its first overseas division in Singapore where twelve full-time faculty members will lead training and research on diseases endemic to Southeast Asia.

Consistent with its desire to curb pandemic crisis abroad, Hopkins Medical has taken an

active stance against the spread of disease and infection at home with their fight against bioterrorism. On the national front, with major federal grants, Hopkins' teams will apply lessons learned on-site to enhance safety in 55 Michigan hospital intensive care units and to develop nationwide hospital plans.

It is a wonderful moment when the nation recognizes the outstanding achievements of an institution that helps so many people here in America and abroad. However, my pride is not based on this recognition alone. Instead, it is based on the knowledge that my constituents and fellow citizens achieved this honor through their constant and estimable work. Work, which was dedicated not with the desire to receive an award, but with the intent to make a genuine difference.

**HONORING MR. DALE FREESE FOR
HIS 30 YEARS OF SERVICE TO
THE CITY OF WESTLAND**

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. McCOTTER. Mr. Speaker, I rise today in honor of Mr. Dale Freese and his 30 years of service to the City of Westland.

After serving honorably in Vietnam as an Air Force Staff Sergeant, Dale was approached by his family asking him to take over Norman's Market, a grocery market owned by his father, Norman Freese. Immediately after taking over, Dale expanded the store and improved the shopping environment, thus increasing sales. But Dale also used the store for the purpose of philanthropy, giving many organizations the use of his store for fund-raising purposes, including the March of Dimes and the Muscular Dystrophy Association. Dale has also given his own time for many worthy causes. In particular, he has provided his own resources to homeless shelters and has helped improve the job skills of local students through his participation in the Garden City High School co-op program. Above all, his

generosity and civic activism have made him an important member of Westland.

Mr. Speaker, I extend my sincere appreciation to Dale Freese for all he has done and his fine example of how local business can make a difference in the community.

**TRIBUTE TO CONGRESSMAN DOUG
BEREUTER**

SPEECH OF

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 2004

Mr. LANTOS. Mr. Speaker, during my entire 24 years in Congress, it has been my great pleasure to serve with my good friend and colleague from Nebraska, Congressman DOUG BEREUTER. As DOUG is serving his last term in the House before assuming the Presidency of the Asia Foundation, I would like to take a few moments to share my thoughts on such an exceptional Member of Congress.

For the past 26 years in Congress, DOUG has been a highly respected expert on American foreign policy, and has developed an immense network of national and international leaders who seek out his views on the global issues facing us today. For the more than two decades that we have served together on the International Relations Committee, DOUG has been rewarded with increasingly important leadership roles. He served as Ranking Minority Member when I was serving as Chair of the Subcommittee on International Security, International Organizations and Human Rights in the early 1990s. A few years later, I served as Ranking Minority Member of the Subcommittee on Asia and the Pacific when DOUG served as Chair.

DOUG played a critical role in the key foreign policy debates in the International Relations Committee, always fighting for the responsible, internationalist position on important global issues. Colleagues on the Committee relied upon DOUG because they knew he had done his homework, paid attention to the details,

and consulted with the world's leading experts before pursuing an initiative. DOUG has always been, and will continue to be, an invaluable resource for other Members of Congress.

Mr. Speaker, DOUG's influence on American foreign policy, however, far transcends his important role in the International Relations Committee. Since 1986, DOUG has served as a member of the NATO Parliamentary Assembly, which is the inter-parliamentary organization of legislators from the member countries of the NATO Alliance as well as Association NATO Members. Just two years ago, DOUG was elected President of that important body—a measure of the high respect world leaders have for him. In that capacity he has played an important role in the NATO enlargement process. He personally visited every new member state and worked to assist these countries make the transition. In this position, DOUG has brought credit, not only to himself, but to all of us who serve in the United States Congress.

DOUG has also worked tirelessly to involve other Members of Congress in the NATO Parliamentary Assembly. He lobbied other NATO parliamentarians to ensure that at least three other U.S. Members were able to hold leadership roles in that body. CODELs to these meetings always included some 10–15 Members who were well prepared and involved, thanks in part to DOUG's personal involvement and encouragement.

DOUG has also been exceptionally loyal to his staff, many of whom have worked with him for decades. This is a tribute to his kindness, consideration and respect of others. And as a result, DOUG has maintained one of the most effective and well connected staffs on Capitol Hill.

DOUG and Louise will be greatly missed here in Washington, but we are pleased to learn that he will be residing in the Bay Area and leading an exceptionally-important institution, the Asia Foundation. We hope to continue our friendship and working relationship as he embarks on this new venture. Annette and I both wish him and Louise well.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7871–S7902

Measures Introduced: Two bills and two resolutions were introduced, as follows: S. 2636–2637, S. Res. 402, and S. Con. Res. 122. **Pages S7896–97**

Measures Reported: Special Report entitled “Report of the Select Committee on Intelligence on the U.S. Intelligence Community’s Prewar Intelligence Assessments on Iraq”. (S. Rept. No. 108–301) **Page S7896**

Measures Passed:

E-Government Act Amendment: Senate passed H.R. 1303, to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference, clearing the measure for the President. **Page S7899**

Food Aid Programs 50th Anniversary: Senate agreed to S. Res. 402, expressing the sense of the Senate with respect to the 50th anniversary of the food aid programs established under the Agricultural Trade Development and Assistance Act of 1954. **Pages S7899–S7900**

National Marina Day: Committee on Commerce, Science, and Transportation was discharged from further consideration of S. Res. 361, supporting the goals of National Marina Day and urging marinas to continue providing environmentally friendly

gateways to boating, and the resolution was then agreed to. **Page S7900**

Constitutional Amendment on Marriage: Senate began consideration of the motion to proceed to consideration of S.J. Res. 40, proposing an amendment to the Constitution of the United States relating to marriage. **Page S7901**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the joint resolution at 1 p.m., on Monday, July 12, 2004. **Page S7901**

Messages From the House: **Page S7896**

Measures Referred: **Page S7896**

Measures Placed on Calendar: **Page S7896**

Additional Cosponsors: **Page S7897**

Statements on Introduced Bills/Resolutions: **Pages S7897–99**

Additional Statements: **Page S7896**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 3:22 p.m., until 1 p.m., on Monday, July 12, 2004. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S7902.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Measures Introduced: 21 public bills, H.R. 4790–4810; and 1 private bill, H.R. 4811, were introduced. **Pages H5470–71**

Additional Cosponsors: **Page H5471**

Reports Filed: Reports were filed today as follows:

H.R. 4600, amended, to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions (H. Rept. 108–593);

H. R. 3981, amended, to reclassify fees paid into the Nuclear Waste Fund as offsetting collections (H. Rept. 108–594). **Pages H5469–70**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative LaTourette to act as Speaker Pro Tempore for today.

Page H5403

Veterans' Disability Benefits Commission: The Chair announced the Minority Leader's appointment of Col. Larry G. Brown of Oregon and Mr. Joe Wynn of Washington, D.C. to the Veterans' Disability Benefits Commission.

Page H5405

Water Supply, Reliability, and Environmental Improvement Act—Rule for Consideration: The House agreed to H. Res. 711, the rule providing for consideration of H.R. 2828, the Water Supply, Reliability, and Environmental Improvement Act, by a recorded vote of 237 ayes to 158 noes, Roll No. 351.

Pages H5405–16

Agreed to table the Frank (MA) motion to appeal the ruling of the Chair by a yea and nay vote of 197 yeas to 165 nays, Roll No. 348;

Page H5408

Agreed to ordering the previous question by a recorded vote of 216 ayes to 180 noes, Roll No. 350;

Pages H5413–14

Agreed to table the Wicker motion to reconsider adoption of the rule by a recorded vote of 210 ayes to 181 noes, and 1 voting present, Roll No. 352.

Pages H5414–15

Water Supply, Reliability, and Environmental Improvement Act: The House passed H.R. 2828, to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources.

Pages H5416–40, H5464

Rejected the George Miller (CA) motion to recommit the bill to the Committee on Resources with instructions with an amendment to strike section 103(b)(5)(A)(i)(III), by a yea and nay vote of 139 yeas to 254 nays, Roll No. 354;

Pages H5438–40

Agreed to the Calvert substitute amendment that modifies how ecosystem restoration plans are implemented and requires more Congressional oversight of Calfed projects prior to federal expenditure.

Pages H5433–38

The Clerk was authorized to make technical and conforming changes to the engrossment of H.R. 2828.

Page H5464

Manufacturing Technology Competitiveness Act of 2003: The House passed H.R. 3598, to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers.

Pages H5440–62

Rejected the Costello motion to recommit the bill to the Committee on Science by a recorded vote of 171 ayes to 193 noes, Roll No. 358;

Pages H5460–62

Agreed to:

Peterson of Pennsylvania amendment (No. 3 printed in H. Rept. 108–589) that clarifies requirements to ensure that Manufacturing Extension Partnership (MEP) centers submit audited, annual budgets and provide financial disclosure documents consistent with OMB requirements, and that the documents be made available to the public upon request;

Pages H5454–55

Rejected:

Jackson-Lee amendment (No. 1 printed in H. Rept. 108–589) that prohibits the use of funds for general re-competition of Manufacturing Extension Partnership (MEP) centers by a recorded vote of 166 ayes to 197 noes, Roll No. 356;

Pages H5451–53, H5458–59

Larson (CT) amendment (No. 2 printed in H. Rept. 108–589) that re-orientes the current Technology Administration (TA), the Undersecretary of Technology, and Office of Technology Policy towards manufacturing and competitiveness issues by a recorded vote of 170 ayes to 189 noes, Roll No. 357;

Pages H5453–54, H5459–60

Gordon amendment (No. 4 printed in H. Rept. 108–589) that authorizes funds for the Manufacturing Extension Partnership (MEP) and an increase for FY 06–08, and allows the federal cost-share for MEP centers in the FY 05–08 to increase on a case-by-case basis as determined by the Administration by a recorded vote of 170 ayes to 192 noes, Roll No. 355;

Pages H5455–58

H. Res. 706, the rule providing for consideration of the bill was agreed to on Thursday, July 8.

Motion to Adjourn: Rejected the McGovern motion to adjourn by a yea and nay vote of 54 yeas to 334 nays, Roll No. 349.

Page H5412

Motion to Adjourn: Rejected the McGovern motion to adjourn by a recorded vote of 41 ayes to 353 noes, Roll No. 353.

Page H5415

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, July 14.

Page H5464

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at 12:30 p.m. on Monday, July 12, for Morning-Hour debate.

Senate Message: Message received from the Senate today appears on page H5470.

Senate Referrals: S. 2634 was referred to the Committee on Energy and Commerce.

Page H5469

Amendments: Amendments ordered printed pursuant to the rule appear on pages H5471–72.

Quorum Calls—Votes: Three yeas and nay votes and 8 recorded votes developed during the proceedings of today and appear on pages H5408, H5412, H5413–14, H5414, H5414–15, H5415, H5439–40, H5458, H5458–59, H5459–60, and H5461–62. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 5:08 p.m.

Committee Meetings

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS AND MILITARY CONSTRUCTION APPROPRIATIONS FOR FISCAL YEAR 2005

Committee on Appropriations: Ordered reported the following appropriations for fiscal year 2005: Foreign Operations, Export Financing and Related Programs; and Military Construction.

CONGRESSIONAL PROGRAM AHEAD

Week of July 12 through July 17, 2004

Senate Chamber

On *Monday*, at 1 p.m., Senate will resume consideration of the motion to proceed to consideration of S.J. Res. 40, Constitutional Amendment on Marriage.

During the balance of the week Senate may consider any other cleared legislative and executive business, including appropriations bills, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: July 15, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine preventing chronic disease through healthy lifestyles, 9:30 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: July 13, to hold hearings to examine the Gramm-Leach-Bliley Act (P.L. 106–102), to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, 10 a.m., SD–538.

July 15, Full Committee, to hold hearings to examine regulation of the hedge fund industry, 10 a.m., SD–538.

July 15, Full Committee, to hold hearings to examine the nominations of Stuart Levey, of Maryland, to be Under Secretary of the Treasury for Enforcement, Juan Carlos Zarate, of California, to be Assistant Secretary of the Treasury for Terrorist Financing and Financial Crimes, and Carin M. Barth, of Texas, to be Chief Financial Officer, Department of Housing and Urban Development, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: July 13, to hold hearings to examine the proposed reauthoriza-

tion of the Corporation for Public Broadcasting, 9:30 a.m., SR–253.

July 13, Full Committee, to hold hearings to examine the nominations of David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security, and Albert A. Frink, Jr., of California, to be an Assistant Secretary of Commerce, 3 p.m., SR–253.

July 14, Full Committee, to hold hearings to examine home products fire safety issues, 9:30 a.m., SR–253.

July 14, Subcommittee on Science, Technology, and Space, to hold hearings to examine adult stem cell research issues, 2:30 p.m., SR–253.

July 15, Subcommittee on Communications, to hold hearings to examine implementation of the Nielsen local people meter TV rating system, 10 a.m., SR–253.

Committee on Energy and Natural Resources: July 13, to hold hearings to examine the role of nuclear power in national energy policy, 10 a.m., SD–366.

July 14, Full Committee, business meeting to consider pending calendar business, 11:30 a.m., SD–366.

July 14, Subcommittee on Public Lands and Forests, to hold hearings to examine S. 2317, to limit the royalty on soda ash, S. 2353, to reauthorize and amend the National Geologic Mapping Act of 1992; H.R. 1189, to increase the waiver requirement for certain local matching requirements for grants provided to American Samoa, Guam, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, and H.R.; 2010 to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, 2:30 p.m., SD–366.

July 15, Subcommittee on National Parks, to hold hearings to examine S. 1852, to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin; S. 2142, to authorize appropriations for the New Jersey Coastal Heritage Trail Route; S. 2181, to adjust the boundary of Rocky Mountain National Park in the State of Colorado; S. 2374, to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma; S. 2397 and H.R. 3706, bills to adjust the boundary of the John Muir National Historic Site; S. 2432, to expand the boundaries of Wilson's Creek Battlefield National Park; S. 2567, to adjust the boundary of Redwood National Park in the State of California; and H.R. 1113, to authorize an exchange of land at Fort Frederica National Monument, 2:30 p.m., SD–366.

Committee on Foreign Relations: July 13, Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine human trafficking issues, 2:30 p.m., SD–419.

July 14, Full Committee, to hold hearings to examine balancing reform and counterterrorism in Pakistan, 9:30 a.m., SD–419.

July 14, Full Committee, to hold hearings to examine U.S. policy toward Southeast Europe, focusing on the Balkans, 2:30 p.m., SD–419.

July 15, Full Committee, to hold hearings to examine a report on the latest round of six-way talks regarding nuclear weapons in North Korea, 9:30 a.m., SD-419.

July 15, Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings to examine the Gulf of Guinea and U.S. strategic energy policy, 2 p.m., SD-419.

Committee on Governmental Affairs: July 15, Permanent Subcommittee on Investigations, to hold hearings to examine current enforcement of key provisions in the Patriot Act combating money laundering and foreign corruption, using a single case study involving Riggs Bank, focusing on Riggs' anti-money laundering program, administration of accounts associated with senior foreign political figures and their family members, and interactions with its primary regulator, the Office of the Comptroller of the Currency, 9 a.m., SD-342.

Committee on Health, Education, Labor, and Pensions: July 15, Subcommittee on Children and Families, to hold hearings to examine Pell grants for primary education, 10 a.m., SD-430.

Committee on Indian Affairs: July 14, business meeting to consider pending calendar business; to be followed by an oversight hearing on the implementation of the American Indian Religious Freedom Act of 1978, 10 a.m., SR-418.

Committee on the Judiciary: July 13, to hold hearings to examine *Blakely v. Washington* and the future of the federal sentencing guidelines, 10 a.m., SD-226.

July 13, Full Committee, to hold hearings to examine section 211 of the Department of Commerce Appropriations Act, 1999, as included in the Omnibus Consolidated and Emergency Supplemental Appropriations Act 1999 (Public Law 105-227), 2 p.m., SD-226.

July 14, Full Committee, to hold hearings to examine the implications of drug importation, 10 a.m., SD-226.

Committee on Rules and Administration: July 14, to hold an oversight hearing to examine the Federal Election Commission, 9:30 a.m., SR-301.

Select Committee on Intelligence: July 13, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH-219.

July 15, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH-219.

Special Committee on Aging: July 15, to hold hearings to examine medical liability in long term care, 2 p.m., SD-628.

United States Senate Caucus on International Narcotics Control: July 13, to hold hearings to examine the abuse of anabolic steroids and their precursors by adolescent amateur athletes, 10 a.m., SD-215.

House Chamber

Program to be announced.

House Committees

Committee on Appropriations, July 14, to mark up the following appropriations for fiscal year 2005: Labor, Health and Human Services, Education and Related Agencies; and District of Columbia, 10 a.m., 2359 Rayburn.

Committee on Armed Services, and the Committee on International Relations, July 14, joint hearing on the Role of Arms Export Policy in the Global War on terror, 10 a.m., 2118 Rayburn.

July 15, full Committee, hearing on Army Transformation: Implications for the Future, 10 a.m., 2118 Rayburn.

July 15, Subcommittee on Tactical Air and Land Forces, hearing on Small Business Innovation and Technology, 2 p.m., 2118 Rayburn.

Committee on Education and the Workforce, July 13, hearing on H.R. 4283, College Access and Opportunity Act of 2004, focusing on Graduation Rates and Student Outcomes, 10:30 a.m., 2175 Rayburn.

July 14, Subcommittee on Education Reform, to mark up H.R. 4496, "Vocational and Technical Education for the Future Act," 10:30 a.m., 2175 Rayburn.

July 15, Subcommittee on Workforce Protections, hearing on H.R. 1329, Recreational Marine Employment Act of 2003, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, July 13, Subcommittee on Energy and Air Quality, hearing entitled "A Hearing to Review Proposals to Consolidate the Offices of Counter Intelligence at NNSA and DOE," 9:30 a.m., 2322 Rayburn.

July 13, Subcommittee on Environment and Hazardous Materials, hearing entitled "POPs, Pic, and LRTAP: the Role of the United States and Draft Legislation to Implement These International Conventions," 1 p.m., 2123 Rayburn.

July 14, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled "Radio Frequency Identification (REID) Technology: What the Future Holds for Commerce, Security, and the Consumer," 11:30 a.m., 2322 Rayburn.

July 14, Subcommittee on Telecommunications and the Internet, hearing entitled "Competition and Consumer Choice in the MVPD Marketplace Including an Examination of Proposals to Expand Consumer Choice, Such as A La Carte and Themed-Tiered Offerings," 10 a.m., 2123 Rayburn.

Committee on Financial Services, July 13, Subcommittee on Housing and Community Opportunity, hearing on H.R. 4057, Samaritan Initiative Act of 2004, 10 a.m., 2128 Rayburn.

July 13, Subcommittee on Oversight and Investigations and the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, joint hearing entitled "A Review of the Office of Federal Housing Enterprise Oversight and Federal Housing Finance Board," 2 p.m., 2128 Rayburn.

July 15, Subcommittee on Oversight and Investigations, hearing entitled "Diversity in the Financial Services Industry and Access to Capital for Minority-Owned Businesses: Challenges and Opportunities," 10 a.m., 2128 Rayburn.

Committee on Government Reform, July 13, Subcommittee on Civil Service and Agency Organization, hearing entitled "The Federal Hiring Process II: Shortening the Long and Winding Road," 10 a.m., 2154 Rayburn.

July 13, Subcommittee on National Security, Emerging Threats and International Relations, hearing entitled "Visa Revocations II: Still Porous, Slow to Fix," 10 a.m., 2247 Rayburn.

July 13, Subcommittee on Technology, Information Policy, Information Policy, Intergovernmental Relations and the Census, oversight hearing entitled "Facilitating an Enhanced Information Sharing Network that Links Law Enforcement and Homeland Security for Federal, State and Local Governments," 2 p.m., 2154 Rayburn.

July 14, full Committee and the Committee on Agriculture, joint hearing entitled "A Review of USDA's Expanded BSE Cattle Surveillance Program," 10 a.m., 2154 Rayburn.

July 14, Subcommittee on Government Efficiency and Financial Management, hearing entitled "Improving IG Functionality and Independence—A Review of Legislative Ideas," 2 p.m., 2247 Rayburn.

July 14, Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, hearing entitled "Health Informatics: What is the Prescription for Success in Intergovernmental Information Sharing and Emergency Response?" 2 p.m., 2154 Rayburn.

Committee on International Relations, July 14, Subcommittee on Asia, hearing on Islam in Asia, 1:30 p.m., 2172 Rayburn.

July 15, Subcommittee on Europe, hearing on Transatlantic Relations: A Post-Summit Assessment, 10:15 a.m., 2172 Rayburn.

Committee on the Judiciary, July 15, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing entitled "Internet Streaming of Radio Broadcasts: Balancing the Interests of Sound Recording Copyright Owners with those of Broadcasters," 10 a.m., 2141 Rayburn.

Committee on Resources, July 13, oversight hearing on gaming on off-reservation, restored and newly-acquired lands, 10 a.m., 1324 Longworth.

July 13, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on the Status of Ocean Observing Systems in the United States, 10 a.m., 1334 Longworth.

July 14, full Committee, to mark up the following measures: H. Res. 431, Honoring the achievements of Siegfried and Roy, recognizing the impact of their efforts on the conservation of endangered species both domestically and worldwide, and wishing Roy Horn a full and speedy recovery; H.R. 1630, Petrified Forest National Park Expansion Act of 2003; H.R. 2129, Taunton, Massachusetts Special Resources Study Act; H.R. 2400, To amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam; H.R. 2457, Castillo De San Marcos National Monument Preservation and Education Act; H.R. 2960, To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalinization project; H.R. 3056, To clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P; H.R. 3257, Western Reserve Her-

itage Area Study Act; H.R. 3334, Riverside-Corona Feeder Authorization Act; H.R. 3427, Craig Recreation Land Purchase Act; H.R. 3479, Brown Tree Snake Control and Eradication Act of 2003; H.R. 3589, To create the Office of Chief Financial Officer of the Government of the Virgin Islands; H.R. 3597, To authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on the Alder Creek water storage and conservation project in El Dorado County, California; H.R. 3954, Rancho El Cajon Boundary Reconciliation Act; H.R. 4010, National Geologic Mapping Reauthorization Act of 2004; H.R. 4027, To authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Science Center; H.R. 4045, To authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River; H.R. 4170, Department of the Interior Volunteer Recruitment Act of 2004; H.R. 4459, Llagas Reclamation Groundwater Remediation Initiative; H.R. 4481, Wilson's Creek National Battlefield Boundary Adjustment Act of 2004; H.R. 4492, To amend the Omnibus Parks and Public Lands Management Act of 1966 to extend the authorization for certain national heritage areas; H.R. 4494, Grey Towers National Historic Site Act of 2004; H.R. 4508, To amend the National Parks and Recreation Act of 1978 to require the Secretary to permit continued use and occupancy of certain privately owned cabins in the Mineral King Valley in the Sequoia National Park; H.R. 4606, Southern California Groundwater Remediation Act; H.R. 4617, To amend the Small Tracts Act to facilitate the exchange of small tracts of land; H.R. 4625, Soda Ash Royalty Reduction Act of 2004; S. 943, To authorize the Secretary of the Interior to enter into 1 or more contracts with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming; S. 1003, To clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River; S. 1537, To direct the Secretary of Agriculture to convey to the New Hope Cemetery Association certain land in the State of Arkansas for use as a cemetery; H.R. 1576, Harpers Ferry National Historical Park Boundary Revision Act of 2003; and S. 1721, American Indian Probate Reform Act of 2003, 10 a.m., 1324 Longworth.

July 15, Subcommittee on Energy and Mineral Resources, oversight hearing entitled "Advances in Technology: Innovations in the Domestic Energy and Mineral Sector", 2 p.m., 1334 Longworth.

July 15, Subcommittee on Forests and Forest Health, oversight hearing on Restoring Forests after Catastrophic Events, 11 a.m., 1324 Longworth.

July 15, Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 4066, Chickasaw National Recreation Area Land Exchange Act of 2004; H.R. 4469, Angel Island Immigration Station Restoration and Preservation Act; and H.R. 4579, To modify the boundary of the Harry S. Truman

National Historic Site in the State of Missouri, 10 a.m., 1334 Longworth.

Committee on Science, July 15, Subcommittee on Environment, Technology and Standards, hearing on The National Oceanic and Atmospheric Administration Organic Acts, 2 p.m., 2318 Rayburn.

July 15, Subcommittee on Space and Aeronautics, hearing on NASA Prizes, 10 a.m., 2318 Rayburn.

Committee on Small Business, July 14, hearing to examine how trade laws can be changed and barriers lowered to benefit U.S. small businesses, 2 p.m., 2360 Rayburn.

July 15, Subcommittee on Workforce, Empowerment, and Government Programs and the Subcommittee on Benefits of the Committee on Veterans' Affairs, joint hearing entitled "Excellence in Action: Government Support of Disabled Veteran-Owned Business," 2 p.m., 311 Cannon.

Committee on Transportation and Infrastructure, July 13, Subcommittee on Economic Development, Public Buildings and Emergency Management, oversight hearing on GSA's Fiscal Year 2005 Capital Investment and Leasing Program, 10 a.m., 2203 Rayburn.

July 14, Subcommittee on Aviation, oversight hearing on In-Line Explosive Detection Systems: Financing and Deployment, 10 a.m., 2167 Rayburn.

July 14, Subcommittee on Economic Development, Public Buildings and Emergency Management, to mark up the GSA's Fiscal Year 2005 Capital Investment and Leasing Program, and other pending business, 10:30 a.m., 2253 Rayburn.

July 15, Subcommittee on Water Resources and Environment, oversight hearing on Louisiana Coastal Area-Ad-

ressing Decades of Coastal Erosion, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, July 13, Subcommittee on Human Resources, hearing to Examine Child Welfare Reform Proposals, 1 p.m., B-318 Rayburn.

July 15, Subcommittee on Oversight, hearing to Review the IRS Enforcement of the Reporting of Tip Income, 10:15 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, July 14, executive, hearing on The Critical Need for Interrogation in the Global War on Terrorism, 9 a.m., H-405 Capitol.

July 15, Subcommittee on Human Intelligence, Analysis and Counterintelligence, executive, briefing on Counterintelligence: People's Republic of China, 11 a.m., H-405 Capitol.

July 15, Subcommittee on Intelligence Policy and National Security, executive, briefing on "Global Intelligence Update," 9 a.m., H-405 Capitol.

July 16, Subcommittee on Human Intelligence, Analysis and Counterintelligence, executive, briefing on Counternarcotics: Colombia, Brazil, Peru and Southeast Asia Traffic, 10 a.m., H-405 Capitol.

Joint Meetings

Conference: July 13, meeting of conferees on H.R. 3550, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, 11 a.m., 2167 RHOB.

Conference: July 14, meeting of conferees on H.R. 2443, to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, 3:15 p.m., 2167 RHOB.

Next Meeting of the SENATE

1 p.m., Monday, July 12

Senate Chamber

Program for Monday: Senate will resume consideration of the motion to proceed to consideration of S.J. Res. 40, Constitutional Amendment on Marriage.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, July 12

House Chamber

Program for Monday: Consideration of H.R. 4755, Legislative Branch Appropriations Act for FY 2005 (structured rule, one hour of general debate).

Consideration of H. Res. 710 providing for the consideration of H.R. 4766, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for FY 2005.

Extensions of Remarks, as inserted in this issue

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